

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53101 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- GAIGHAT District- Muzaffarpur

MAMTA DEVI Wife of Kailash Sahni Resident of village - Trimuhan (Saraiya), P.S. - Chakmehsi, Distt. - Samastipur, at present Address Village - Kanta O.P. - Benibad, P.S. - Gaighat, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Gaighat P.S. Case No. 137 of 2023 for the offence punishable under Section 302/120(B) 34 of the Indian Penal Code lodged on 5.4.2023 by the informant, Kamesh Sahani.

As per the prosecution story, the allegation is that the deceased was in relationship with a girl on the petitioner's side which was resented by them, they called the informant's son Sonu Kumar, he was carried near the river, killed and thrown. Accordingly, the FIR.

Learned counsel for the petitioner submits that the specific allegation is against Kailash Sahani, the petitioner is a lady, is in custody since 5.4.2023 (para-16 of the petition).



Learned APP opposes the prayer stating that all of them killed the boy only because he was in relationship with a girl on the petitioner's side.

Considering the fact that the petitioner is a lady, having no criminal, the main allegation is against Kailash Sahani and others and is in custody since 5.4.2023, this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned J.M.-1st Class, (East) Muzaffarpur, in connection with Gaighat P.S. Case No. 137 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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