

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66341 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- RAJAON District- Banka

NITU DEVI WIFE OF SUJIT YADAV R/O KISHANPUR, FAIDPUR, P.S.-
AMARPUR, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Rajoun P.S.
Case No. 171 of 2022 dated 23.04.2022 registered for the offence
under Sections 302 and 201 of the Indian Penal Code.

According to the informant, who is chaukidar, one dead
body is alleged to have been found in abandoned state.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the basis of
suspicion. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the basis of statement of brother of the deceased, namely, Mister
Yadav. He further submits that the husband of the petitioner has



also been made accused in this case and the prosecution has claimed that on the basis of C.D.R., name of this petitioner has come during course of investigation but the phone number which was recorded in the C.D.R. does not belong to the petitioner. Save and except the suspicion and the statement of the brother of the deceased, no cogent material has surfaced during course of investigation against the petitioner to suggest the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.4.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Banka or his successor in connection with Rajoun P.S. Case No. 171 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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