

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64550 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- BIHARSHARIF RAIL P.S. District- Patna

1. SHANTI DEVI WIFE OF OM PRAKASH MAHTO VILLAGE-MARACHDIH PS SILAO DIST- NALANDA
2. NISHA KUMARI @ SONI DEVI @ SONI WIFE OF RAHUL KUMAR VILLAGE- MARACHDIH PS SILAO DIST- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-12-2023 Learned counsel for the petitioners submits that earlier the bail petition of petitioner no. 1 namely Shanti Devi has been dismissed as withdrawn.

2. Heard Mr. Shivendra Prasad, learned counsel for the petitioner no. 2 and Mr. Brajendra Nath Pandey, learned APP for the State.

3. The petitioner no. 2 is apprehending her arrest connection with Rail Bihar Sharif (Rajgir) P.S. Case No. 13 of 2023, F.I.R. dated 16.06.2023 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

4. Allegation against the petitioner is that she along



with other co-accused persons were involved in the murder of the deceased.

5. Learned counsel for the petitioner no. 2 submits that the petitioner has clean antecedent and she has been falsely implicated in the present case merely on the ground that she is sister-in-law (*gotini*) of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the petitioner is living separately from the family members of the deceased and she has no concern with the family members of the deceased's family. He further submits that nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence and no one is the eye witness of the alleged occurrence.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner no. 2 but fairly submits that even the children of the deceased has not stated anything about the petitioner no. 2.

7. Considering the facts and circumstances of the case, let the petitioner no. 2, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on



bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Patna in connection with Rail Bihar Sharif (Rajgir) P.S. Case No. 13 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner no. 2 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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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