

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60153 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- SUPAUL District- Supaul

SARSWATI DEVI W/O SURAJ KAMAT @ SURAJ Resident of Mohalla-
Purani Durga Mandir, Nagar Parishad, Ward No- 11, Supaul, P.S.- Supaul,
District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra,Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends her arrest in connection
with Supaul P.S. Case No. 254 of 2022 for the offence registered
under Sections 341, 448, 504, 506, 302 and 34 of the Indian
Penal Code.

As per the informant, the allegation is that her son and
nephew, Santosh Kumar @ Badsah had a quarrel between them
and on the fateful day, it is alleged that the accused
persons/family members of Santosh Kumar @ Badsah caught
hold of her son and thereafter, the said accused Santosh Kumar
@ Badsah pierced knife in the chest of his son causing his death
at Sadar Hospital, Supaul.



Learned counsel for the petitioner submits that specific allegation is against Santosh Kumar @ Badsah of causing death of the informant's son. So far as this petitioner is concerned, she is agnate of the said accused had nothing to do in the matter and out of anguish number of innocents were implicated, the petitioner being one of them.

Learned APP for the State, on the other hand, submits that allegation against them is of having caught hold of the deceased whereafter the main assailant gave knife blow on the chest.

Taking into account the fact that the petitioner is a lady, no criminal antecedent, specific allegation is against Santosh Kumar @ Badsah and omnibus allegation against five accused persons including this petitioner is of having caught hold of the deceased, this Court is inclined to extend her privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Supaul in connection with Supaul P.S. Case No. 254 of 2022 subject to



condition as laid down under Section 438(2) of the Cr.P.C with further 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 the bail bonds;

(v) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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