

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.771 of 2022

Arising Out of PS. Case No.-328 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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SUDAMA KUMARI W/o Late Sanstosh Kumar Resident of Village -
Mohanpur , P.S.- Muffasil, Distt.- Samastipur, At present Resident of Village -
Dadhiya Belar, P.s.- Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh
	:	Mr. Pravin Kumar
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 11-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Samastipur (M) P.S. Case No. 328 of 2020, registered for

the offences punishable under Sections 302 and 34 of I.P.C.

The prosecution story as emerges from the FIR is

that the son of the informant went to his Sasural with his

wife on the occasion of *Rakshabandhan*. After some days,

the informant got an information on his mobile that his son

has died.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that after investigation police has found that the deceased has committed suicide. Even, as per the viscera report poisonous substance has been found in the body of the deceased.

He further submits that the petitioner has been languishing in jail since 11.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-II, Samastipur, in connection with Samastipur (M) P.S. Case



No. 328 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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