

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66461 of 2022**

Arising Out of PS. Case No.-177 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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KAMRUN NISHA Wife of Shabbir Ahmad @ Shabeer Ahmad Resident of
Village- Mohiuddin Nagar, Terhi Bazar, P.S.- Mohiuddin Nagar, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 18-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mohiuddin Nagar P.S. Case No. 177 of 2022 dated
16.07.2022 registered for the offence under Sections 302,
201 and 34 of the Indian Penal Code.

Three accused persons including the petitioner are
alleged to have been apprehended by the police while they
were carrying a dead body

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 according



the F.I.R. the petitioner along with others were carrying a deadbody by the motorcycle. He further submits that the petitioner has not played any role in the commission of alleged occurrence but only on the basis of suspicion, she has been made accused in this case. He further submits that similarly situated co-accused, Rinku Devi has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No. 61393 of 2022. 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 16.07.2022.

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 Additional Chief Judicial Magistrate-IV, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 177 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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