

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70715 of 2022

Arising Out of PS. Case No.-644 Year-2022 Thana- FATUA District- Patna

Dharmsheela Devi @ Dharmshila Devi W/o Pappu Ray @ Pappu Yadav R/v-
Malbigha, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Onkar Nath, Advocate
For the Opposite Party/s	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. Dharendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-05-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
07.09.2022 in connection with Fatuha P.S. Case No. 644 of
2022, F.I.R. dated 05.09.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, the informant's
husband had taken a sum of Rs. 50,000/- from the co-accused
persons two months ago and in lieu of the same, he was



cultivating her field as well, but the co-accused was insisting to return the amount and for this reason all the accused persons have caused the death of husband of the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that the petitioner is family member of the other accused person. He further submits that there is no eye witness of the alleged occurrence rather the informant herself stated that she came into knowledge about the said occurrence on the next day in the morning only. He further submits that no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.09.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of material available on record as well as case dairy have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the family members of the petitioner was involved in the present occurrence.



Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate I, Patna City, Patna in connection with Fatuha P.S. Case No. 644 of 2022, subject to 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 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 witnesses, 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 and in case at any stage it is found that the petitioner has concealed her 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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