

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69193 of 2022

Arising Out of PS. Case No.-345 Year-2022 Thana- KAHALGAON District- Bhagalpur

FULO DEVI Wife of Manager Yadav @ Manejar Yadav R/V- Ramjanipur,
P.S- Shivnarayanpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, in brief, is that on 09.04.2022 all F.I.R. named accused persons had jointly assaulted the husband (Arun Yadav) of the informant and his treatment had been done by the local doctor but on 20.04.2022 the husband of the informant died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the



F.I.R. is 09.04.2022 but the present F.I.R. was instituted on 21.04.2022 after delay of 12 days without giving explanation of delay and after the death of the husband of the informant. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that there is no specific allegation of any assault or overt-act against the petitioner and the petitioner is a lady member of the family. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Kahalgaon P.S. Case No. 345 of 2022, S.T. No. 576 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 his absence on two consecutive dates without sufficient reason, his 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 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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