

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71435 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- JANDAHA District- Vaishali

MAMTA DEVI Wife of Dani Chaudhary @ Dina Chaudhary Resident of
village - Jandaha, P.S.- Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
05.07.2022, in connection with Jandaha P.S. Case No. 198/2022,
F.I.R. dated 03.07.2022, for the offences punishable under
Sections 302, 120(B) and 34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with her husband namely Dani Chaudhary is alleged to have
committed murder of the son of the informant.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has falsely been
implicated in the present case merely on the basis of suspicion.
He further submits that it appears from the F.I.R. that there is no



specific allegation of any assault or overt act attributed against the petitioner and after the recovery of the dead body of the deceased, the present F.I.R. has been instituted against the petitioner. He further submits that the co-accused, namely, Dani Chaudhary, who is husband of the petitioner, confessed his guilt. He further submits that except the suspicion and the confessional statement of co-accused, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and there is no eyewitness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.07.2022.

The learned Additional Public Prosecutor for the State on the other hand 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, after framing of charge, if not framed, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 198/2022, 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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