

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75622 of 2023

Arising Out of PS. Case No.-254 Year-2023 Thana- ARWAL District- Jehanabad

NIRMALA DEVI Wife of Anand Paswan Resident of village - Sakari Chowki, Post - Sakri Chowki, P.S.- Arwal, District - Arwal, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Vardhan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr.Harsh Vardhan, learned counsel for the petitioner and Mrs.Nirmala Kumari, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Arwal P.S.Case No.254 of 2023,FIR dated 19.05.2023 registered for the offences punishable under Sections 302/34 of the IPC.

3. The prosecution case, in short, is that the petitioner is Gotni of the deceased Tetari Devi and there is direct allegation of committing murder of the daughter of the informant and co-accused Santosh Paswan being husband of the deceased has illicit relation with this petitioner.

4. 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 ground that she is sister-in-law of the deceased and it appears from the FIR that there is no specific allegation against the petitioner rather there is general and omnibus allegation that all the accused persons have committed the murder of the deceased and in fact the deceased had committed suicide herself.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against the petitioner that she alongwith other co-accused persons have committed the murder of the deceased.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Jehanabad in connection with Arwal P.S.Case No.254 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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/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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