

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1446 of 2023

Arising Out of PS. Case No.-596 Year-2021 Thana- JAHANABAD District- Jehanabad

MADHURI KUMARI @ MADHVI KUMARI WIFE OF BINOY KUMAR,
D/O LATE RAM BRIKSH CHAUDHARY RESIDENT OF VILLAGE- UTA
MADARPUR, P.S.- JEHANABAD, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-05-2023 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 26.08.2022
in connection with Jehanabad P.S. Case No.596/2021, F.I.R. dated
20.09.2021, for the offences punishable under Sections 302, 328 of
the IPC.

According to prosecution case, the petitioner is alleged
to have committed murder of the wife of the informant by
administering some poisonous substance in her mouth and shut her
mouth till she swallowed. Thereafter she was brought to hospital
where in course of treatment she died.

Learned counsel for the petitioner submits that the police
submitted charge sheet under Section 306 of the Indian Penal Code



but the learned Judicial Magistrate, differing with the view, took cognizance of the offence under Section 302 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. In fact, the informant is not an eyewitness of the alleged occurrence and only on the basis of suspicion, the petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R that the alleged date of occurrence is 09.09.2021 but the present F.I.R has been instituted on 10.10.2021 after thought only to implicate the petitioner in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 26.08.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant further submits that the trial is going on and two prosecution witnesses have already been examined in the present case.

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 C.J.M., Jehanabad in



connection with Jehanabad P.S. Case No.596/2021, 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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