

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13521 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- RAJGIR District- Nalanda

Bineha Devi @ Bineha Kumari Wife Of Shailendra Kumar @ Shailendra Sao
R/O-Kalibadi, Chhabilapur Road, Rajgir, P.S.-Rajgir, Distt.-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2024 Heard Mr. Sanjeet Kumar, learned counsel for the

petitioner and Mr. Chandra Bhusan Prasad, learned APP for the

State.

2. The petitioner is apprehending her arrest
connection with Rajgir P.S. Case No. 23 of 2023, F.I.R. dated
17.01.2023 registered for the offences punishable under Section
306 of the Indian Penal Code.

3. The F.I.R. has been registered against unknown
with allegation to abet the deceased to commit suicide.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and she has been falsely implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not



committed any offence as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the statement of informant subsequently and petitioner is step mother of the deceased and it appears from the F.I.R. itself that the victim has obtained poison through Online and thereafter he consumed the same, so no case is made out under Section 306 of the Indian Penal Code against the petitioner. He further submits that co-accused Shailendra Kumar @ Shailendra Sao who happens to be the husband of the petitioner has been granted the privilege of anticipatory bail by this Court vide order dated 11.10.2023 passed in Cr. Misc. NO. 46281 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the police after investigation submitted final form against the petitioner.

6. Considering the facts and circumstances of the



case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif at Nalanda in connection with Rajgir P.S. Case No. 23 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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