

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24224 of 2024**

Arising Out of PS. Case No.-477 Year-2020 Thana- AMARPUR District- Banka

1. Sukhari Tanti @ Sulhari Tanti S/o Late Lachchho Tanti R/o Vill - Kamdeopur, P.S. - Amarpur, Dist. - Banka
2. Tetri Devi @ Kari Devi W/o Sukhari Tanti @ Sulhari Tanti R/o Vill - Kamdeopur, P.S. - Amarpur, Dist. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      26-07-2024                      Heard Mr. Brij Nandan Prasad, learned counsel for the petitioners and Mr. Madan Thakur, learned APP for the State.

2. Petitioners seek bail, who are in custody since 09.08.2023 and 20.10.2023, in connection with Sessions Trial No. 719 of 2023 corresponding to Amarpur P.S. Case No. 477 of 2020, F.I.R. dated 17.07.2020 registered for the offences punishable under Sections 341, 323, 302/34 of the Indian Penal Code.

3. Allegation against the petitioners is of committing murder of informant's husband by means of assaulting.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case and due to petty reasons the present occurrence had taken place. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner no. 2, namely, Tetri Devi @ Kari Devi who happens to be the wife of the petitioner no. 1. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 09.08.2023 and 20.10.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, on the basis of material available on record as well as case diary, vehemently opposed the prayer for bail of the petitioners and submits that it appears from the F.I.R. that there is specific and direct allegation against the petitioners that they assaulted with *lathi* to the husband of the informant and the postmortem report also supports the allegation as alleged in the F.I.R.

6. As regards, petitioner no. 2, namely, Tetri Devi @ Kari Devi is concerned, there is no specific allegation of any assault or overt act against the petitioner no.2 rather there is general and omnibus allegation against the petitioner no. 2. as



well as the petitioner no. 2 having clean antecedent, let the petitioner no. 2, above named, Tetri Devi @ Kari Devi, 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 Additional District & Sessions Judge-III, Banka in connection with Sessions Trial No. 719 of 2023 corresponding to Amarpur P.S. Case No. 477 of 2020, subject to the following conditions :-

(1) Petitioner no. 2 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 no. 2 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 no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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.

7. So far as petitioner no. 1, namely, Sukhari Tanti @ Sulhari Tanti is concerned, there is specific allegation that he has assaulted with lathi to the husband of the informant as well as medical report also supports the allegation as alleged in the F.I.R., I am not inclined to enlarge the petitioner no. 1, namely, Sukhari Tanti @ Sulhari Tanti on bail in connection with Sessions Trial No. 719 of 2023 corresponding to Amarpur P.S. Case No. 477 of 2020 pending in the Court of Additional District & Sessions Judge-III, Banka.

8. Prayer for bail on behalf of the petitioner no. 1, namely, Sukhari Tanti @ Sulhari Tanti, is hereby refused.

**(Rajesh Kumar Verma, J)**

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