

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26545 of 2023

Arising Out of PS. Case No.-792 Year-2022 Thana- GAURICHAK District- Patna

KAVITA KUMARI @ KABITA KUMARI W/O LATE PAPPU KUMAR
Resident of Village - Bali, P.S. - Gaurichak, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 26-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 302, 379
and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner, being the wife, has been falsely implicated in the
present case by the informant who is mother of the deceased. It
is further submitted that son of the informant was married to the
petitioner and out of the wedlock a child was born but then it is
alleged in the FIR that the petitioner was not interested in
marrying the deceased and when the Barat of the deceased
reached the house of the petitioner, the Barat had to return as the
petitioner refused to marry but thereafter on pressure of her
parents, the petitioner married the deceased but even after



marriage she was not happy staying with the deceased. It is further alleged that out of the wedlock a child was born and when the petitioner got an opportunity she killed the deceased and fled away with the jewellery and the child.

4. Learned counsel for the petitioner submits that informant is not an eyewitness to the occurrence and entire allegation hinges around suspicion. It is further submitted that it is difficult to fathom that the petitioner after having a child from the deceased would have killed her. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gaurichak P.S. Case No. 792 of 2022, subject to the conditions as laid



down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the police after investigation submits charge-sheet against the petitioner connecting her with the offence in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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