

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41405 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- JANDAHA District- Vaishali

Chanda Kumari W/o Bir Kumar Das R/o vill - Hari, Prasad Purvi, ward no. 5,
P.S. - Jandaha, District. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 30-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed her prayer for grant of regular bail in connection with Jandaha P.S Case no. 147 of 2023, registered under sections 363 and 365 of the Indian Penal Code to which sections 302, 201 and 120B of the Indian Penal Code were added subsequently.

3. As per the prosecution case, the informant states that on the date of occurrence his 9 year old daughter while playing along with others disappeared. Inspite of search she was not to be found. She was wearing a blue dress.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 6.12.2023 (Annexure P/2) passed in Cr. Misc. no.63889 of 2023. On merits, it is submitted that the FIR was registered against



unknown. The name of the petitioner transpired in the confessional statement of co-accused made before police. It is further submitted that even as per the prosecution story, the alleged threat being given by the deceased was of disclosing about the affair of Niraj Kumar and Gunja Kumari and not the petitioner herein. The petitioner is in custody since 23.5.2023 and undertakes to cooperate in the learned Court below.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 8.8.2024, the case has been committed to the Court of Sessions on 31.7.2024.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R, the material that has transpired in course of investigation, the petitioner having remained in custody for over a year since 23.5.2023 and the case having been committed to the Court of Sessions, the petitioner is directed to be enlarged on bail in connection with Jandaha P.S Case no. 147 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali, Hajipur on the following conditions :-



(I) The petitioner shall remain physically present in the learned trial Court on each date and shall cooperate in the trial.

(II) In case the petitioner remains absent on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel bail bond of the petitioner and take her into custody till conclusion of the trial.

(Partha Sarthy, J)

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