

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49521 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- KHAGAUL District- Patna

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1. Puja Kumari @ Puja Devi W/o Late Ranjay Kumar R/o New Medical Colony, PS Khagaul Distt Patna
 2. Nilam Devi W/o Sant Ram R/o New Medical Colony, PS Khagaul Distt Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Khagaul P.S. Case No. 119 of 2023 for the offence registered under sections 306 and 34 of Indian Penal Code lodged on 17.03.2023 by the informant Lalita Devi.

3. As per the prosecution story, the informant alleged that her son was living with the in-laws as it was a love marriage. However, the lady always quarrel for money and allegation is that his son was hanged by the accused side, taken to emergency ward, but died. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit, that both the two petitioners herein are ladies, the informant is the mother-in-law of the deceased, the couple was happily married,



due to some minor issue he tried to commit suicide, rushed to the hospital and three days later, he succumbed to the injuries.

5. The submission is that they participated in all the programmes after the mortal remains were consigned to deaths but later decided to lodge FIR on 17.03.2023, almost five months later.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he was living with the in-laws where the incident took place.

7. Considering the submissions as also the fact that the deceased was rushed to the emergency ward and three days later he died, both these petitioners are ladies, they do not have criminal antecedent, there is delay in lodging of the FIR as also that investigation will take place which will be followed by trial, so far as the grant of anticipatory bail is concerned, taking into account the aforesaid facts, this Court is inclined to grant him the anticipatory bail with conditions.

8. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. V,



Daapur, Pana in connection with Khagaul P.S. Case No. 119 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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