

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53744 of 2024

Arising Out of PS. Case No.-85 Year-2022 Thana- SAKATPUR District- Darbhanga

1. Archana Devi @ Archana Kumari, Wife Of Ram Swaroop Chaupal, Resident Of Village- Srirampur Dargah Tole, P.S.- Sakatpur, Distt.- Darbhanga
2. Bulanti Devi, Wife Of Basudev Chaupal, Resident Of Village- Dargah Tole, P.S.- Darbhanga Srirampur Sakatpur, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Opposite Party/s : Mrs. Rita Verma, Advocate, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard Mr. Pankaj Kumar Jha, learned Advocate appearing on behalf of the petitioners and the Mrs. Rita Verma, learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Sakatpur P.S. Case No. 85 of 2022 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. Earlier twice the prayer for bail of the petitioners have negated by this Court on 09.05.2023 and further on 02.02.2024 after taking into consideration the nature of accusation and the recovery of the dead body of the boy from the house of the petitioners.



4. Learned Advocate appearing on behalf of the petitioners contended that while rejecting the prayer for the bail of the petitioners this Court on the last occasion directed to conclude the trial within six months, failing which the petitioners would be at liberty to renew their prayer for bail. Till date, as per the instruction of his client, out of seven chargesheet witnesses, only four witnesses have been examined and thus, there is no likelihood of conclusion of the trial in near future.

5. The aforesaid contention has been disputed by the learned Advocate for the informant and submission has been made that as per his instruction almost all the witnesses have been examined. Learned Advocate for the State vehemently opposed the application and contended that so far the merit of the case is concerned, earlier the prayer for bail of the petitioner have already been rejected, as they have actively participated in the crime and dead body of a minor boy was recovered from their house.

6. At this juncture, learned Advocate for the petitioners contended that though the prayer of the petitioners have already been rejected on merit, but this fact cannot be ignored that the recovery of the dead body has been made from an under constructed house which is situated beside the house of



the petitioners. Had the petitioners been involved in the crime, they would have concealed the dead body in some different places and not in their own house.

7. Regard being had to the submissions made on behalf of the parties and considering the observation of this Court made on the last occasion and also the status report as furnished by the learned Court of Additional District and Session Judge, dated 31.07.2024, suggesting that till date only four witnesses have been examined and the petitioners are ladies, incarcerating for over a period of two years let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Darbhanga in connection with Session Trial Case No. 92 of 2023 arising out of Sakatpur P.S. Case No. 85 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till its conclusion, failing which the bail bond of the



petitioners shall be cancelled.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners has concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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