

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60618 of 2024

Arising Out of PS. Case No.-485 Year-2023 Thana- KHUSRUPUR District- Patna

Milu Devi @ Nilu Devi Wife of Vivek Kumar Resident of Village - Lodipur
Daniyalpur, P.S.- Khusrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard Mr. Raj Kumar, learned Counsel for the

petitioner and Mr. Deepak Kumar Singh representing the

informant.

2. The petitioner apprehends his arrest in connection
with Khusrupur P.S. Case No. 485 of 2023 for the offence
registered under sections 448, 323, 354B, 504, 307, 302 and 34
of the Indian Penal Code and Section 27 of Arms Act lodged on
18.11.2023 by the informant Anil Kumar.

3. As per the prosecution story, the informant alleged
that when he along with his brother was studying together,
Vivek Kumar entered and caught hand of his sister-in-law. upon
protest, not only he abused, as this petitioner provided him
revolver, he opened fire hitting his brother who subsequently
succumbed to the injures. Accordingly, the FIR.



4. Learned Counsel for the petitioner submits that admittedly, the allegation of opening fire is on Vivek Kumar, the husband of the petitioner, only to implicate her, the allegation of providing the revolver to him has been incorporated.

5. Mr. Deepak Kumar Singh, learned counsel for the informant submits that while the brothers were studying, unnecessary, Vivek Kumar came, abused and later upon the provocation of this petitioner who also gave revolver, Vivek Kumar opened fire causing the death.

6. Though allegation is there, the main allegation is against Vivek Kumar, her husband who opened fire causing the death of the informant's brother, this petitioner is a lady, do not have criminal antecedent, will be ultimately facing the trial, this Court is inclined to grant her the anticipatory bail with conditions.

7. Let the petitioner 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 Ms. Pratima Kumari JM 1st, Patna City in connection with Khusrupur P.S. Case No. 485 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 petitioner 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 petitioner 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 petitioner 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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