

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57337 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- MADHEPURA District- Madhepura

Soni Kumari W/o- Santosh Kumar Ray @ Nago Village- Bhirkhi ward no- 23
Ps-Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-08-2024 Heard Mr. Sanjay Kumar Singh, learned counsel for
the petitioner and Mr. Lalan Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 23.02.2022, in connection with Sessions Trial No. 36 of 2023 arising out of Madhepura P.S. Case No. 163 of 2022, F.I.R. dated 22.02.2022 registered for the offences punishable under Sections 341, 307, 120(B), 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that she has conspired with her lover Tridev @ Sarkar and tried to kill her husband by gun-shot.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that as per allegation in the F.I.R. the petitioner is the wife of the informant but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act or firing attributed against the petitioner. He further submits that co-accused person namely Tridev @ Sarkar @ Tridev Sarkar @ Tridev Kumar Sarkar has fired upon the victim/informant but the injury received by the husband of the petitioner (victim) and the said co-accused Tridev @ Sarkar @ Tridev Sarkar @ Tridev Kumar Sarkar has been granted bail by this Court vide order dated 18.04.2023 passed in Cr. Misc. No. 68761 of 2022 and the allegation against this petitioner is that he along other co-accused person have conspired with the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.02.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case



and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act or firing attributed against the petitioner as well as co-accused person has been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Madhepura in connection with Sessions Trial No. 36 of 2023 arising out of Madhepura P.S. Case No. 163 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)

