

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71195 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Priyanka Kumari, Wife of Late Rajesh Kumar, Village - Sirha, P.S.-
Pakridayal, District - East Champaran (Motihari), Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate

Mr. Vivek Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 03-10-2024 Learned counsel for the petitioner seeks permission to
make necessary correction in paragraph no.15 of the petition.

2. Learned counsel for the petitioner is permitted to
make necessary correction in course of the day.

3. Heard learned counsel for the petitioner and learned
APP for the State.

4. In this present case, the petitioner seeks bail in
connection with Pakridayal P.S. Case No. 105 of 2024,
registered on 01.05.2024 for the offences under Sections 302,
120(B) and 34 of the Indian Penal Code.

5. As per prosecution case, the co-accused persons took
away the son of the informant with them when the informant and
his son were returning after attending some *barat*. Thereafter, the
dead body of the son of the informant was recovered. The
informant showed his suspicion that the petitioner, who is the wife



of his deceased son, was in intimacy with her brother-in-law and they might have committed the murder of his son.

6. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Petitioner happens to be the wife of the deceased and at the time of alleged occurrence the petitioner was at her matrimonial home which is also evident from the FIR. There is allegation that the petitioner was having illicit relationship with her brother-in-law which is completely false. The petitioner was having good relationship with her husband and her husband even made a phone call on the mobile of a co-villager to ask his wife to cook food for four persons. The petitioner has got no criminal antecedent. The petitioner is in custody since 01.05.2024 and charge-sheet has been submitted.

7. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner in the FIR itself that she along with other co-accused persons were involved in the murder of the son of the informant.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and also considering the clean antecedent of the petitioner as well as her



period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-8, East Champaran, Motihari/concerned court in connection with Pakridayal P.S. Case No. 105 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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