

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76163 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- PUSA District- Samastipur

MUNNI DEVI WIFE OF SHIV NARAYAN RAM RESIDENT OF
VILLAGE - HARPUR PUSA, P.S. - PUSA, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mrs.Renu Kumari, APP
For the informant	:	Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner, the State
as also the informant.

2. The petitioner is apprehending arrest in connection with Pusa P.S. Case No. 68 of 2023 instituted under Sections 302, 120(B) and 34 of the Indian Penal Code lodged on 6.6.2023 by the informant, Anand Kumar Rai.

3. As per the prosecution story, the informant alleged that his son was living in the maternal house and the allegation against the entire family of the petitioner is that they called him and brutally assaulted. He was rushed to the hospital and declared dead. Allegation against this petitioner is of having pressed the neck of the deceased along with one Sangeeta Kumari.



4. Learned counsel for the petitioner submits that unfortunate death/killing has taken place but the informant got a chance to implicate the entire family members which include the petitioner and an aged lady as also another lady, Sangeeta Kumari and it is unbelievable that two ladies were pressing the neck of the deceased while the others were assaulting.

5. It is further submission that the lady do not have criminal antecedent and is ready to cooperate in the investigation and diligently appearing in the trial.

6. Learned counsel for the informant on the other hand submits that a bare perusal of FIR would show that the entire family members assaulted the deceased only because he was having affair with the daughter of the accused person.

7. Though, it is unfortunate that killing takes place in the 21st Century only because young persons want to marry to a companion of his/her choice, so far as this petitioner is concerned, she is a lady and an aged person. Though there is allegation of pressing the neck, the assault part is assigned to the other accused persons, she do not have criminal antecedent and as submitted, will cooperate in the trial, this Court is inclined to extend her privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event



of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Pusa P.S. Case No. 68 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make herself available to the police as and when required;

(iv) 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;



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

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

