

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83691 of 2023

Arising Out of PS. Case No.-25 Year-2022 Thana- DIDARGANJ District- Patna

Kajal Devi W/O Suraj Kumar R/O- Mirzapur, Nohatta,Ps. Fatuha, Distt. Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shalini, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-04-2024 Heard Ms. Shalini, learned counsel for the petitioner
and Mr. Shailendra Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 10.02.2022, in connection with Sessions Trial No. 721 of 2022 arising out of Didarganj P.S. Case No. 25 of 2022, F.I.R. dated 08.02.2022 registered for the offences punishable under Sections 302, 201, 120(B), 34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged that his younger brother namely, Suraj Kumar has been killed by Kajal Devi, Akash Kumar and his friend Ajit Kumar and 3-4 other unknown persons by conspiring with each other after throwing the dead body in Fatehpur orchard to conceal evidence.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and she has been falsely implicated in the present case merely on the basis of suspicion. She 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. She further submits that as per allegation in the F.I.R. the petitioner has illicit relationship with their nephew Akash Kumar and on her instruction Akash Kumar has committed the murder of the husband of the petitioner. Learned counsel for the petitioner submits that no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and it has come during investigation in paragraph-21 of the case diary that co-accused person namely Akash Kumar has committed the murder of the husband of the petitioner along with one Ajit Kumar. She further submits that co-accused Akash Kumar has been granted bail by this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 1186 of 2023 and another co-accused Ajit Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 63997 of 2023 respectively. She further submits that the police after investigation submitted chargesheet against the petitioner on 30.04.2022 and charge has been framed on 28.07.2022 and



the petitioner is in custody since 10.02.2022.

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

6. Considering the aforesaid facts that the petitioner having clean antecedent and other co-accused persons have been granted bail by this Court and a Coordinate Bench of 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 A.D.J.-I, Patna City, Patna in connection with Sessions Trial No. 721 of 2022 arising out of Didarganj P.S. Case No. 25 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.

(Rajesh Kumar Verma, J)

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