

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23139 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- BEN P.S. District- Nalanda

Koshalya Devi W/O Radhe shyam Prasad @ Radhe Prasad R/O Vill.- Kolhua,
PS- Ben, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-07-2025 Heard Mr. Sabal Kumar Jha, learned counsel for the
petitioner and Mr. Awadhesh Kumar Singh learned Additional
Public Prosecutor for the State.

2. Learned counsel for the petitioner is allowed to
make correction in paragraph-13 of the bail application during
course of the day.

3. The petitioner is apprehending her arrest in
connection with Ben P.S. Case No. 94 of 2024, F.I.R. dated
19.07.2024 for the offences punishable under Sections 80(2),
61(2), 3(5) of Bharatiya Nyay Sanhita, 2023.

4. As per the First Information Report, the informant
alleged that the petitioner along with other co-accused persons
killed his sister.

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



implicated in the present case. From bare perusal of the FIR it appears that the informant is not the eye witness of the present occurrence and there is no specific allegation of assault or overt act or demand of dowry against the petitioner rather the allegation levelled against her is general and omnibus and the husband of the deceased, namely, Dharmveer Kumar @ Chhotu, who happens to be the son of the petitioner is in judicial custody.

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

7. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and there is no specific allegation of assault or overt act or demand of dowry against the petitioner and husband of the deceased is in judicial custody, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M 1st Class, Biharshariff, Nalanda in connection with Ben P.S. Case No. 94 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section



482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond 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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