

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47440 of 2025**

Arising Out of PS. Case No.-1407 Year-2023 Thana- PHULWARISHARIF District- Patna

Sunita Devi W/o Ashok Chaudhary Resident of village- Hinduni Mushahari,  
Police Station- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      03-09-2025              Heard learned counsel for the petitioner and learned APP  
for the State and perused the case diary.

2.      The petitioner seeks bail in connection with  
Phulwarisharif P.S. Case No. 1407 of 2023 instituted for the  
offence under Sections 302 & 34 of the Indian Penal Code.

3.      Prosecution case in short is that one Tavish Nisha  
@ Lalu was in illicit relationship with the wife of the deceased  
(petitioner) since last six years and co-accused along with  
petitioner hanged the son of the informant (deceased).

4.      It has been submitted on behalf of the petitioner  
that the petitioner is in custody since 30-09-2023. Petitioner is a  
lady of clean antecedent.

5.      It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case only on the basis of suspicion. It is submitted that there is no eyewitness to the alleged occurrence. It is next submitted that there is no complaint about the illicit relation between the petitioner and co-accused prior to this FIR and it is falsely alleged that the illicit relation was there. It is submitted that there is contradictory statements in the FIR itself. Learned counsel for the petitioner submits that since petitioner is female and she had undergone long incarceration, hence, she deserves the privilege of regular bail. Other co-accused has been granted bail by this Court vide order dated 07-05-2024, passed in Cr. Misc. No. 22414 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 9 of the case diary, it is submitted that witness has supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity, petitioner being a female and clean antecedent of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand)



with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwarisharif P.S. Case No. 1407 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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