

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51446 of 2024

Arising Out of PS. Case No.-872 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Rachana Kumari W/o gaurav Kumar R/o Village and P.O-Jamalabad, P.S.-
Ahiyapur, District Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Ms/Mrs. Renu Kumari, Advocate

For the Opposite Party/s : Mrs.Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 363, 365, 34 of the Indian Penal Code. Later on, Sections 302, 201 of the Indian Penal Code were added.

3. Allegedly, all the F.I.R. named accused persons including the petitioner are said to have committed murder of daughter of the informant. It is further alleged that the daughter of the informant, namely, Khushboo Kumari had performed love marriage with co-accused Gaurav Kumar, who later solemnized second marriage with this petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. She has falsely been implicated in this case due to ulterior motive. Allegation levelled against the petitioner is false and concocted. Her name has been transpired in the present case merely on suspicion because she happens to be second wife of co-accused Gaurav Kumar with whom deceased was earlier married. There



is no eye-witness to the alleged occurrence. As a matter of fact, deceased Khushboo Kumari had herself disappeared from her matrimonial house after some altercation with her husband. It is further submitted that there is nothing on record against the petitioner to show her complicity in the alleged occurrence. Several co-accused, with similar allegation, have already been allowed pre-arrest bail by a co-ordinate bench of this Court vide order passed in Cr.Mis.No. 72117/2024 and 71507/2024.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Ahiyapur Police Station Case No. 872 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C

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(Prabhat Kumar Singh, J)

