

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69735 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Most. Kartar Devi W/o Late Narayan Singh R/o Mohalla/Village- Gurubazar,
P.S.- Barari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

3. According to the FIR, the informant stated that his son, Brajesh Kumar, left home on his black Pulsar motorcycle around 6:30 pm, telling the informant and his wife that he would return soon. When he didn't come back for dinner, the informant's wife called him. At 10:11 pm, the victim answered the phone and said he would be back in two hours. On 01/04/2023, around 8:00 am, the informant received a call from Maranga Police Station in Purnia, informing him that his son,



Brajesh Kumar had been stabbed to death and that the dead body was found 300 meters south of Harda Mehta Chowk, near NH-31. The informant went to the police station and identified the body as his son's. The body had stab wounds to the head, back, lips, and legs, as well as a wound from the stomach being cut open. The informant claimed that there had been a land, house, and shop dispute with his brothers, who had threatened to kill him and his family.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that a land dispute is going on between the parties and from perusal of the FIR, it appears that there is no overt-act as alleged against the petitioner. He next submits that the informant is not an eye witness of the alleged occurrence. He next submits that similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. Nos. 45466 of 2024 and 52042 of 2024 and Cr. Misc. No.46548 of 2024.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. On perusal of the first information report, postmortem report, case diary and impugned order dated



03.08.2024, it appears that the name of the petitioner transpired on the basis of suspicion and similarly situated co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court and from perusal of the certified copy of the supplementary Final Form Report as submitted by the learned counsel for the petitioners, it appears that after conclusion of the investigation, the Investigating Officer found the case is not true. It further appears from the supplementary final form in column no.12, petitioner was not sent up for trial, so considering all aspects of the matter, I am inclined to grant anticipatory bail to the petitioner.

7. Let the above named petitioner be released on anticipatory bail in the event of her arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Purnea in connection with K. Hat (Maranga) P.S. Case No. 404 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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