

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75196 of 2024

Arising Out of PS. Case No.-396 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Vandana Bharti @ Bandana Bharti W/o- Late Raushan Kumar Ram, D/o-
Sukhdev Das @ Sukhdev Ram @ Sukhdeo Mochi Village- Pahsara, ward No.
3, P.S.- Naokothi, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindeshwari Ram Son of Late Manik Ram Village- madhupur Ps- Alauli
Dist- Khagaria

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2025 Heard Mr. Manoj Kumar Singh, learned counsel for

the petitioner as well as learned Additional Public Prosecutor for

the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 396 ‘c’ of 2022 for the
offences punishable under Section 306 of the Indian Penal
Code.

3. According to the prosecution case, Bindeshwari
Ram claims that his son, namely, Raushan Kumar Ram was
threatened by his wife Bandana Bharti, and her family because
they wanted her to marry someone else Raushan suspected
Bandana of having an affair and started living separately with

her. On 23.04.2021, he called his father saying he was in danger and his phone was switched off, the next morning his body was found at Sadar Hospital, Begusarai and his phone was recovered from one of the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has clean antecedent and she has falsely been implicated in the present case in the ground that she is the wife of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. Although, earlier the informant has filed a case vide Town Begusarai P.S. Case No. 292 of 2021 for the offence under Sections 302 and 304 of the Indian Penal Code but the police after the investigation submitted the final form against the petitioner and the other co-accused persons as mistaken of the facts, but on the basis of the protest petition, the Court below has taken cognizance under Section 306 of the Indian Penal Code against the petitioner

5. The learned counsel for the O.P. No. 2 and learned APP have vehemently opposed the prayer for bail of the petitioner and submits that from the perusal of the postmortem report, it appears that the entire case is made out

under Section 302 of the Indian Penal Code.

6. Considering the aforesaid facts that the petitioner has clean antecedent, earlier the police has submitted the final form with regard to the petitioner and on protest the cognizance has been taken against the petitioner, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 2st Class, Begusarai in connection with Complaint Case No. 396 'c' of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 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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