

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83338 of 2024

Arising Out of PS. Case No.-65 Year-2022 Thana- BALIGAON District- Vaishali

Sita Devi W/o- Munna Kumar @ Munna Rai Village- Malpur Tola Mahiya
Ps- Patepur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar, Advocate
For the State	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Hemant Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-02-2025 Heard Mr. Ashutosh Kumar, learned counsel for the petitioner and Mr. Hemant Ray, learned counsel for the informant as well as Mr. Satyendra Narayan Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 18.10.2024, in connection with Baligaon P.S. Case No. 65 of 2022, FIR dated 21.06.2022 registered for the offence under Sections 120(B) and 302 of the Indian Penal Code.

3. As per the prosecution case, petitioner along with others have assaulted to the son of the informant by lathi, danda, iron rod etc. as a result of which her son died and his dead body was found in the field of one Raj Kumar Rai.

4. Earlier the petitioner has been granted bail by



this Court vide order dated 21.04.2023 in Cr. Misc. No. 66375 of 2022 but the bail bond of the petitioner has been cancelled by the learned Court below vide order dated 03.10.2023 on the ground that the petitioner has concealed her criminal antecedent in the aforesaid criminal miscellaneous application.

5. Learned counsel appearing for the petitioner submits that the petitioner is innocent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Earlier the petitioner was in custody since 24.06.2022 but after cancellation of her bail bond she is in judicial custody since 18.10.2024.

6. Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

7. Considering the aforesaid facts and earlier the



petitioner has been granted bail by this Court but due to criminal antecedent her bail bond has been cancelled by the learned Court below, let the, above named, petitioner 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 learned Additional District and Sessions Judge-XII, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 65 of 2022 with the 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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 his/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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