

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85450 of 2024

Arising Out of PS. Case No.-183 Year-2023 Thana- TARARI District- Bhojpur

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Neha Kumari D/o- Kanhaiya Giri Resident Of Village - Itimaha, P.S-
Tarari,District-Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

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

ORAL ORDER

3 17-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Session Trial No. 445 of 2024 arising out of Tarari P.S. Case No.
183 of 2023 instituted for the offence under Sections 302, 201 &
34 of the Indian Penal Code. Earlier *vide* order dated
17-05-2024, passed in Cr. Misc. no. 24719 of 2024, bail of the
petitioner was rejected by this Court.

3. As per prosecution case, the accusation against the
petitioner is of being involved in commission of murder of the
informant's son. It is further alleged that after commission of



murder, they buried the dead-body at the courtyard of the matrimonial house of the deceased.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19-10-2023. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. He submits that petitioner is the wife of the deceased and the family members including the informant were not happy with the marriage. He further submits that actually the deceased has committed suicide after hanging himself and the family members, due to fear, buried the dead-body in the courtyard of their house. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. There is no eye-witness to the alleged occurrence. Charge sheet has been submitted in this case. It is lastly submitted that charge is not framed in this case as yet and there is no likelihood of the trial being concluded in the near future.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is



submitted that witnesses have supported the prosecution case and earlier the bail of the petitioner was rejected on merit, hence, she does not deserve the privilege of bail.

7. A report was called for from the court below and it is reported that as per charge sheet there are eight witnesses and after framing of charge, it will tentatively take about six months to conclude the trial.

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, petitioner being a lady and there is no likelihood of the trial being concluded in the near future, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Session Trial No. 445 of 2024 arising out of Tarari P.S. Case No. 183 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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