

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86637 of 2024**

Arising Out of PS. Case No.-612 Year-2024 Thana- MASAUDHI District- Patna

Priyanka Kumari @ Vijeta Kumari @ Jhunni Kumari Wife of Late Abhay Kumar Resident of Usmanchak, Nisiawan, PS- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Adv.
Mr. Ravi Bhardwaj, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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

ORAL ORDER

3 03-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Masaurhi P.S. Case No. 612 of 2024 instituted for the offences under Sections 103 and 61 of the Bhartiya Nyaya Sanhita and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the petitioner is of being involved in the murder of her husband in a pre-planned manner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in the present case with false and frivolous allegations. The petitioner,



who is the wife of the deceased, is the Informant in this case and has been falsely implicated in the present case only on the basis of totally non-est grounds. Learned counsel for the petitioner further submits that it is alleged that the petitioner, in connivance with other co-accused, got her husband killed so as to sell off the properties of her husband to clear the loan incurred by her to the tune of Rs. 1.50 crores but, nothing has come in the investigation as to sale of which property resulted in loss to her and, thus, the motive alleged and introduced is totally vague and far fetched for the alleged offence. The petitioner has been made accused in this case during investigation on the basis of the confessional statement of the accused persons before the police which has no evidentiary value in the eye of law. The present case is based purely on the circumstantial evidence. Learned counsel for the petitioner further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner and even the mobile which is alleged to have been used by the petitioner has not been seized. Learned counsel for the petitioner submits that there is no direct or specific allegation against the petitioner rather the same is general and omnibus in nature. The petitioner has no criminal antecedent and is languishing in judicial custody since



20.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that from perusal of Para 81 and 82 of the case diary, it appears that the petitioner is involved in the alleged murder of her husband in a pre-planned manner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent and the petitioner being lady, let the petitioner, abovenamed, be released on bail 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 Masaurhi P.S. Case No. 612 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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