

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89718 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- SIRISIYA District- West Champaran

Champa Devi wife of Hiralal Yadav Resident of Vill- Musahari, P.S.- Sirisiya,
Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar Singh, APP
For the Informant :	Mr. Shiv Kumar Dwivedy, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Sanjeev Kumar, learned counsel for the petitioner, Mr. Shiv Kumar Dwivedy, learned counsel for the Informant and Mr. Shailendra Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Sirisiya P.S. Case No. 35 of 2024, F.I.R. dated 18.05.2024 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. As per the First Information Report, informant stated therein that his sister (now, deceased) was married with one Babloo Yadav in the year 2016. It is alleged that co-accused Hiralal Yadav intended to establish illicit relationship with her sister, and in fear of this fact being disclosed, the petitioner



along with others, in conspiracy killed his sister.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that she is wife of the co-accused Hiralal Yadav and from bare perusal of the FIR, it appears that the informant is not the eye witness of the occurrence and merely on the basis of suspicion, the present FIR is instituted. He further submits that during investigation, the statement of co-accused Hiralal Yadav was recorded before the police, in which he has stated that the petitioner was also involved in the present occurrence and except the confessional statement of the co-accused, no other material is there, which suggest the involvement of petitioner in the present occurrence. He further submits that husband of the petitioner is in custody since 21.05.2024.

5. The learned Additional Public Prosecutor and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and except the confessional statement of the co-accused who happens to be the husband of the petitioner, no other material is there which suggest the



involvement of petitioner in the present occurrence and husband of the petitioner is in custody since 21.05.2024, 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) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Bettiah, West Champaran in connection with Sirisiya P.S. Case No. 35 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond 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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