

Arising Out of PS. Case No.-259 Year-2025 Thana- AMARPUR District- Banka

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... .. Petitioner/s

Versus

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : **Mr. Rajesh Kumar, APP**

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2026 Heard Mr. Brij Nandad Prasad, learned counsel for
the petitioner as well as Mr. Rajesh Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 14.04.2025 in connection with Amarpur P.S. Case No.2 59 of 2025, F.I.R. dated 11.04.2025 for the offences punishable under Sections 103(1), 238, 61(2), 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to the prosecution case, the informant alleged that when her husband did not return home despite repeated phone calls, she, along with her family members, began searching for him. On 11.04.2025 at about 11:00 a.m., she received information regarding an unidentified dead body. Upon reaching the spot, the informant identified the deceased as her husband. She further alleged that all the accused persons had killed her husband, as they had previously threatened him.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. Petitioner is not named in the FIR and her name transpired during investigation on the basis of confessional statement of one Rinku Devi and the said Rinku Devi has confessed that she and husband of the petitioner had committed the present crime in question and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.04.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner but fairly submits that husband of the petitioner has committed the present crime in question and the only allegation against the petitioner is that she fixed a meeting of one co-accused and her husband with the co-accused, Rinku Devi. He further submits that petitioner carries one criminal antecedent other than the present case in which he is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 District and Additional Sessions Judge-II, Banka in connection with Amarpur P.S. Case No.2 59 of 2025, subject to 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 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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