

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26388 of 2015

Arising Out of PS.Case No. -105 Year- 2015 Thana -SHERGHATI District- GAYA

1. Soni Devi @ Hiroiniyan @ Hiroinyan W/o - Kuldeep Manjhi R/o -
Goshpur, P.S. - Sheghati (Dobhi), Distt.- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Sherghati
(Dobhi) P.S. Case No. 105 of 2015 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Sections 3 (ii) (v) of SC/ST (Prevention of Atrocities) Act.

The allegation against the petitioner is that she called
Birendra Chaudhary, the son of the informant, on his mobile at
about 8:00 pm on 17.04.2015 when he was with Ramdeep
Chaudhary and son of the informant told Ramdeep Chaudhary that
the phone call is of Heroiniyan and she has called him at her
house, then he went there. Later, on the next day his dead body
was recovered from Lahara Ahar besides Budi Ahar. It is also

alleged that Binod Yadav, Pramod Yadav and Laxman Yadav came at the house of the informant and have abused him with caste name and fixed red flag over the land of the informant and accordingly, it was suspected that the petitioner along with those accused persons have committed murder of his son.

Submission is of false implication and that without any legal and cogent material she is suffering in custody since 19.04.2015, there is no motive to commit murder and her name has been implicated on the statement of Ramdeep Chaudhary, the petitioner is a house wife and she has got no contact with the deceased of this case. Chargeheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail by submitting that witness Ramdeep Chaudhary in para 8 of the case diary has stated that the deceased went at the house of the petitioner after receiving the call from her.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sherghati,

Gaya in connection with Sherghati (Dobhi) P.S. Case No. 105 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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