

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23079 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -SRI NAGAR District- MADHEPURA

- =====
1. Mosomat Rambati Devi, Wife of Late Nityanand Mandal, Resident of village - Rangapatti, Mangarwara, P.S.- Srinagar, Distt.- Madhepura.
 2. Pinki Devi, wife of Deonarayan Mandal, Resident of Village- Chakmaka, P.S.- Jankinagar, Distt- Purnea.
 3. Ajay Kumar, son of Kapileshwar Kamti, Resident of Village- Sukhsena, Arraha Tola, P.S.- Barhara, Kothi, Distt.- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-I(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with Srinagar P.S. Case No. 35 of 2015 corresponding to G.R. Case No. 919 of 2015 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Allegedly, Chandra Kishore Mandal, the father of the informant was having illicit relationship with Mostt. Rambati Devi but one month earlier dispute arose between them and then Rambati Devi, the petitioner no. 1 and her son Sudhir Mandal assaulted the father of the informant and further petitioner no. 1, Rambati Devi developed illicit relationship with Satynarain

Mandal and he caused threat to kill the father of the informant and ultimately the petitioners and other two F.I.R. named accused persons alongwith some unknown killed the father of the informant and fled away.

Submission is of false implication and that besides suspicion there is nothing against the petitioners, the occurrence is said to be of 3.30 a.m. morning, there was no source of light and, as such, the alleged identification appears not probable and reliable and further the informant after realizing the truth has sworn an affidavit and filed petition in the learned court below that the F.I.R. named accused persons are innocent, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioners are named in the First Information Report.

In the facts and circumstances stated above, considering that there is no chance of tampering with the prosecution evidence and, as such, above named petitioners are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura in

connection with Srinagar P.S. Case No. 35 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

U		T	
---	--	---	--