

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56007 of 2017

Arising Out of PS.Case No. -66 Year- 2017 Thana -BHAWANIPUR District- PURNIA

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Janki Devi, Wife of Late Santosh Mandal, resident of Village- Motichak,
Sripur, P.S.- Bhawanipur, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-12-2017

Heard learned counsel for the petitioner and learned

APP for the State.

This is a case registered under Sections 302, 201 and
120B/34 of the Indian Penal Code.

The petitioner is wife of the deceased Santosh
Mandal and as per the allegation made in the FIR, the death of
Santosh Mandal has occurred due to altercation with respect to
some financial domestic affairs. The FIR has been lodged by the
‘Chaukidar’ in which the petitioner has been made accused for the
offence under Section 302 IPC along with other local villagers.

Counsel for the petitioner submits that ‘Chaukidar’ is
not an eye-witness. In fact it was compelling economic condition
in the family which led to an altercation and therefore, the
petitioner cannot be held guilty for the offence under Section 302.
He submits that other co-accused have been granted anticipatory



bail by order dated 19.06.2017 passed by the Sessions Judge, Purnea in ABP No. 660 of 2017. She is in custody since 29.3.2017 and not a single witness has turned up in the court below.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **5th Additional Sessions Judge, Purnea in Bhawanipur P.S. Case No. 66 of 2017** subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the Petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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