

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27588 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -EKCHARI District- BHAGALPUR

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1. Kundan Devi, W/o Bhagat Lal Mandla, R/o Rani Diyara, P.S.- Budduchak, District- Bhagalpur.
 2. Ram Bali Mandal, S/o Late Lakshman Mandal, R/o Bari Mohanpur, P.S. Ekchari (Pirpanti), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-08-2017 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are languishing in custody since 16.03.2017 in connection with Ekchari P.S. Case No. 07 of 2017 for offences punishable under Sections 364, 302, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his uncle, Ramdeo Mahto, the deceased, had some dispute with his son, Bhagat Lal Mandal regarding harvesting the crops of mustard in his field. He further submitted that the deceased Ramdeo Mandal has gone to his field but did not return back. One Siyaram Mandal whose field is near the field of Ramdeo Mandal



has stated that the deceased was earlier beaten by his son Bhagat Lal Mandal and his wife, petitioner no. 1, namely Kundan Devi and thereafter, had food with Siyaram Mandal and had again gone to the field but did not return.

It has been submitted by the learned counsel for the petitioners that they are innocent, and have been falsely implicated in the aforesaid case. In fact, petitioner no. 1 is daughter-in-law of the deceased Ramdeo Mandal and petitioner no. 2 is father of petitioner no. 1 and they have been falsely dragged in the aforesaid case. It has further been submitted that chargesheet has already been submitted and there is no evidence that the petitioners have tampered with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that independent witnesses have supported the prosecution case that both the petitioners are involved in the aforesaid offence.

Considering the facts and circumstances and the submissions made by the parties, since petitioner no. 1 is daughter-in-law of the deceased and she along with the son of the deceased quarreled over the property dispute with the deceased, hence, I am not inclined to grant privilege of bail to the petitioner no. 1, namely Kundan Devi.

So far as, petitioner no. 2 is concerned, there is no



allegation that he is involved in the aforesaid offence. Let petitioner no. 2, namely Ram Bali Mandal, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate 1st Bhagalpur, in connection with Ekchari P.S. Case No. 07 of 2017.

(Nilu Agrawal, J)

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