

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1760 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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Manti Devi @ Shanti Devi, Wife of Lal Babu Singh, Resident of Village-
Lodipur Chakwara, Police Station- Hajipur (Town), District- Vaishali.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jharkhandi Upadhyay, Advocate
For the Opposite Party : Mr. Dilip Kumar, Advocate
For the State : Mrs. Usha Kumar Spl P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-07-2017 The appellant seeks bail in connection with Desari
(Sahdei Out Post) P.S. Case No. 39 of 2017 registered for
offences punishable under sections 120B, 376(2)(g), 302 of Indian
Penal Code and 4(a) of POCSO Act and 3(I)(V), 3(II)(V) of
SC/ST Act.

Allegation against the appellant is that on 23.02.2017
daughter of the informant namely, Milan Kumari @ Nilam
Kumari went to her field for cutting the grass, but when she did
not return then informant alongwith his wife went in search of her.
Further allegation is that when the informant went to the field of
Raghunath Singh, he saw her daughter was lying dead and they
saw Raghunath Singh alongwith two persons, running away then
some distance another lady was also fleeing. It is also alleged that



by help of villagers, they were caught and brutally beaten by villagers.

Learned counsel for the appellant submitted that she has been arrested only on the suspicion and there is no eye witness in this case. The appellant has been in custody since 24.02.2017

Heard learned Special P.P. also.

Learned counsel for the informant opposed the prayer for bail on the ground that she was arrested on spot after the occurrence.

From perusal of the record, it appears that in this case the deceased was raped and murdered, the appellant was seen fleeing, except that there is nothing and moreover she is a lady.

Considering the aforementioned facts and circumstances, this application is allowed, let appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1 cum-Special Judge SC/ST Act, in connection with Desari (Sahdei Out Post) P.S. Case No. 39 of 2017, subject to the following conditions:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.



(ii) The appellant will not adduce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J.)

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