

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.339 of 2020

Arising Out of PS. Case No.-924 Year-2019 Thana- MADHEPURA District- Madhepura

Akali Devi @ Akli Devi, Wife of Ganesh Mistri Resident of Village-
Baliyaspatti, P.S. and District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 08-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 02.11.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 302/34 of the IPC.

The prosecution case, as per the Rajendra Mistri, submitted to the S.H.O., Madhepura Police Station is to the effect that on 30.10.2019 at about 5 P.M., the informant and his son, Ranjit Mistri along with co-accused Shayamsundar Mistri



proceeded on a motorcycle to go to the in-laws' house of the informant's daughter. Subsequently, co-accused Shyamsundar Mistri persuaded them to go to village Chhina thereafter they went to Panchgachhiya to see a fair when co-accused Shyamsundar Mistry asked the informant to stay on a betal shop and thereafter the son of the informant did not return. It is also alleged that about one and half years prior to the lodging of the FIR, one Nand Kishor Mistry, son of co-accused Ganesh Mistry died, when it was suspected that the victim Ranjit Mistry had played witch craft on the boy, hence it was suspected that co-accused Ganesh Mistry killed the son of the informant under a conspiracy with his wife, Akali Devi, the petitioner.

It is submitted by learned counsel for the petitioner that the victim went in the company of co-accused Shyam Sundar. The accusation against the petitioner is based on suspicion. The name of the petitioner sprang up on the confession of co-accused Shyamsundar Mistry, who has been granted bail by a Co-ordinate bench of this Court, vide Cr. Misc. No. 1077 of 2020. Moreover, the investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP submits that there is strong suspicion against the petitioner and co-accused Shyam Sundar has confessed that commission of crime was done under the conspiracy with the petitioner.

Considering the suspicious nature of accusation, investigation already being concluded, the petitioner being a lady coupled with the fact that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 924 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional



bail of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Madhepura in connection with Madhepura
P.S. Case No. 924 of 2019.

The learned Court below will be at liberty to extend
the further period of provisional bail if the lockdown is not over
in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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