

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15583 of 2020

Arising Out of PS. Case No.-759 Year-2019 Thana- MASAUDHI District- Patna

Sugiya Devi, age 35 years, Female, Wife of Jitan Manjhi Resident of Village - Bhimpura, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lallu Prasad, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Lallu Prasad, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Masaurhi PS Case No. 759 of 2019 dated 24.10.2019 instituted under Sections 302/120B/34 of the Indian Penal Code.

4. The allegation against the petitioner along with others is of killing the husband of the informant.

5. Learned counsel for the petitioner submitted that she has been falsely implicated only on suspicion. It was



submitted that the informant has stated that she suspected that for the last three years the petitioner and the husband of the informant were having relationship, but there is no explanation as to why the informant had not taken effective steps to end such relationship or as to why she had not told others to intervene. Learned counsel submitted that even with regard to the last phone call which is alleged to have been received by the deceased from the petitioner, the police have not got the CDR, despite the Deputy Superintendent of Police in his supervision report having directed for obtaining the same. Learned counsel submitted that there is no independent witness with regard to the petitioner being involved in the crime and besides being lady she is in custody since 24.10.2019.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story. However, he could not controvert the fact that there are no witnesses to the incident and further that the police have not got the CDR with regard to the alleged phone call made by the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of the learned S.D.J.M., Masaurhi, Patna in Masaurhi PS Case No. 759 of 2019 (GR No.1262 of 2019), subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of her bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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