

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30368 of 2020

Arising Out of PS. Case No.-197 Year-2020 Thana- PHULWARISHARIF District- Patna

Sushma Kumari @ Sushma Devi @ Sushma Manjhi, Wife of Binod Manjhi,
Resident of Maurya Path, Musahari, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Gajanan Mishra, Advocate
For the S t a t e	:	Mr.Kumar Uday Pratap, APP
For the Informant	:	Mr. Sajid Salim Khan, Advocate
		Mr. Ram Pravesh Nath Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State as well as the learned counsel for the informant.

The petitioner seeks bail in connection with Phulwarisharif (Janipur) P.S. Case No.197 of 2020 registered for the offence punishable under Sections 302 and 201 of the Indian



Penal Code.

On 14.03.2020, informant's son left his house never to return. Dead body of his son was dumped and has been recovered by the police subsequently.

It is submitted by the petitioner's counsel that the petitioner's implication is based on suspicion. The petitioner has no connection with the murder of the victim. Based on the statement of co-accused Binod Manjhi in police custody, she has been implicated. Such implication is legally unsustainable. The petitioner is suffering with heart ailments. She has been implicated merely because she happens to be the wife of Binod Manjhi. She is now in custody since 25.04.2020.

Learned APP for the State and the learned counsel for the informant have opposed the prayer for bail. It is submitted that from the order of rejection passed by the court below, it is apparent that the petitioner's name has been taken by co-accused Binod Manjhi during the course of investigation.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned A.C.J.M.-IX, Patna, in connection with Phulwarisharif (Janipur) P.S. Case No.197 of 2020, subject to the following 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 he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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