

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3633 of 2020

Arising Out of PS. Case No.-772 Year-2018 Thana- NATHNAGAR District- Bhagalpur

KIRAN DEVI Wife of Kailash Mandal Resident of Village - Bairiya, P.S.-
Nathnagar, Distt - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Adv.

For the Opposite Party/s : Mr. Ajay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-05-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 24.12.2018 in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Shit Kumar Mandal submitted before the Station House Officer, Nathnagar Police Station is to the effect that on 29.12.2018 at 11.00 A.M. in the background of the fact that the informant's son Shiv Nandan Kumar had illicit relationship with the petitioner, Kiran Devi, hence her husband Kailash Mandal, being younger brother of the informant



assaulted him with iron rod to the son of the informant Shiv Nandan Kumar, as a result he died.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the husband of the informant and there is no accusation of making assault by the petitioner. It is further submitted that the investigation has already been concluded and the petitioner is a lady. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the occurrence took place since the petitioner had illicit relationship.

Considering the fact that the accusation of assault is against the husband of the petitioner and the investigation has already been concluded coupled with statement made in paragraph no.3 of the petition 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 ADJ-IX, Bhagalpur, in connection with Nathnagar P.S. Case No. 772 of 2018.

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 Adhar 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 the learned learned ADJ-IX, Bhagalpur, in connection with Nathnagar P.S. Case No. 772 of 2018.

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

(Dinesh Kumar Singh, J)

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