

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9038 of 2020

Arising Out of PS. Case No.-596 Year-2019 Thana- KAHALGAON District- Bhagalpur

ASHA DEVI @ ASHO DEVI D/o Sri Suresh Mandal, W/o Mithlesh Kumar
R/o village- Pannuchak, P.S.- Ghogha, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-12-2021 Heard Mr. Ranjan Kumar Jha, learned Advocate
for the petitioner and Mr. Mohammed Arif, learned APP
for the State.

The petitioner seeks bail in anticipation of her arrest in connection with Kahalgaon (Ghogha) P.S. Case No. 596 of 2019 dated 05.09.2019 instituted for the offences under Sections 302, 506/34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is said to be the first wife of one Mithlesh Mandal, who is alleged to have contracted another marriage with one Chanda Devi. The petitioner has been constantly threatening Chanda Devi of dire consequences in case she continued to live with Mithlesh Mandal as his wife.

On the occasion of Teej festival, the elder sister



of Chanda Devi is said to have been killed by the petitioner and others.

The learned counsel for the petitioner has submitted that there is no eye witness to the occurrence nor is there any evidence in the investigation papers to even remotely connect the petitioner with the death of the deceased.

The deceased has received a gun-shot injury which proved fatal.

Nonetheless in the absence of any other evidence except suspicion, the petitioner cannot be made to suffer incarceration.

Apart from this, it has been submitted that if at all the petitioner had any enmity with anyone, it was Chanda Devi, who had married her husband. There does not appear to be any justification of the petitioner killing the elder sister of Chanda Devi.

Be that as it may, in the absence of any cogent evidence in support of the allegation and taking into account the gender of the petitioner, she is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief
Judicial Magistrate, Bhagalpur in connection with
Kahalgaon (Ghogha) P.S. Case No. 596 of 2019, subject
to the conditions as laid down under Section 438(2)
Cr.P.C.

(Ashutosh Kumar, J)

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