

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37696 of 2020

Arising Out of PS. Case No.-105 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Yasoda Devi, Gender- Female, aged about 52 years, Wife of Kamleshwari Mahto, Resident of Village- Manikpur, P.S. Surygarha in the district of Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the State : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-02-2021 Heard both sides.

The petitioner seeks bail in Surygarha (Manikpur) P.S.

Case No.105 of 2020, registered under Sections 302, 201 and 34 of the Indian Penal Code.

The informant, S.I. of police, alleged in his written report that during the course of investigation of U.D. Case No.06 of 2020, Maheshwari Devi, wife of Sanjay Mahto disclosed in her further statement that on account of death of her husband, she was nervous and on written petition drafted by her brother, Vinay Kumar Singh she put her signature and on the basis of which a U.D. case was registered but later on she came to know that her husband Sanjay Mahto had illicit relation with his co-villager Yashoda Devi, the petitioner for the last 15 years.



Yashoda Devi got some land transferred in her name from Sanjay Mahto. Yashoda Devi, the petitioner was pressurizing to transfer the remaining land in her name and when the deceased refused, Yashoda Devi, her two sons, Shashi Mahto and Rishi Mahto strangled her husband to death and hanged his dead body in the ceiling of the roof.

Learned counsel for the petitioner submits that from the U.D. case, it would appear that Maheshwari Devi, widow of the deceased, Sanjay Mahto alleged that her husband committed suicide inside her house. The dead body was recovered but later on she resiled from her earlier statement and concocted a story on the basis of which the present FIR was registered. It is further submitted that the dead body of Sanjay Mahto was recovered from his house where his wife was also present. Nobody has seen the petitioner entering into the house of Sanjay Mahto.

It appears from perusal of the FIR and the written application on the basis of which the U.D. case was registered that Maheshwari Devi, wife of deceased Sanjay Mahto herself stated before the police that her husband committed suicide and on such the dead body of her husband was recovered from her house. Later on, she made allegation that since her husband had



got illicit relation with the petitioner, the petitioner and her two sons strangled her husband to death but there appears no material to show that the petitioner strangled to death the husband of Maheshwari Devi.

Taking into consideration the facts aforesaid, petitioner, namely, Yasoda Devi is directed to be enlarged 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 Chief Judicial Magistrate, Lakhisarai in connection with Surygarha (Manikpur) P.S. Case No.105 of 2020.

(Prabhat Kumar Jha, J)

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