

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4858 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- PHULWARISHARIF District- Patna

Rajmuni Devi, W/O Ganesh Mahto, R/O Village-Sangat Kumhar Toli, P.S.
Phulwarisharif, Dist.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Rajesh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 31-08-2021 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.

The petitioner seeks bail in connection with Phulwarisharif P.S. Case No.122 of 2020 registered for the offence punishable under Sections 363, 365 of the Indian Penal Code. Subsequently, Sections 302, 201 and 120B of the Indian Penal Code have also been added.

It is the prosecution case that the informant's son has



gone to his maternal grandmother's house for some work but did not return.

Learned counsel for the petitioner submits that upon recovery of the dead body after eight days FIR has been lodged. Informant has lodged the FIR against unknown person. However, in her re-statement in paragraph 32 of the case diary, petitioner has been named.

The submission is that having no criminal antecedents, the petitioner (female), aged 60 years, has been dragged in this case in the restatement of the informant as well as the confessional statement of co-accused Kavita Kumari, having no evidentiary value. Under such circumstances, she is in custody since 06.03.2020. The entire prosecution case is based only on suspicion.

Learned APP for the State has opposed the prayer for bail. It has been submitted that there is restatement of the informant and the confessional statement of the co-accused.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.



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 Additional Chief Judicial Magistrate-IX, Patna, in connection with Phulwarisharif P.S. Case No.122 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 she fails to do so on two consecutive dates, her 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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