

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40083 of 2020

Arising Out of PS. Case No.-271 Year-2020 Thana- DAUDNAGAR District- Aurangabad

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Manisha Devi @ Manita Devi, aged about 30 years, female, Wife of Raju Paswan, resident of Village- Nawada, P.S.- Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 01-11-2021 Heard Mr. Bachan Jee Ojha, the learned Advocate

for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of her arrest in connection with Daudnagar P.S. Case No. 271 of 2020, dated 02.09.2020, instituted for the offences under Sections 365 and 34 of the Indian Penal Code.

The petitioner is the cousin of the husband of the informant.

It has been alleged in the F.I.R. that the husband of the informant had been residing in the house of his in-laws for the last six months because there was a property



dispute in his own home. On one occasion, the petitioner is said to have telephonically asked the husband of the informant (victim) to come home so that the dispute could be resolved. While the victim was on his way to his own home, then, on the asking of the petitioner, the victim waited at a particular place and later was picked up by the husband of the petitioner. The informant later came to know that her husband never reached his home.

He is still traceless.

It has been submitted on behalf of the petitioner that the suspicion on him is absolutely unfounded. If there was any dispute regarding apportioning of shares of the victim in his family property, it would have been with respect to others who may have had some claim in the share of the property. The married cousin of the victim would have nothing to do with the apportionment of family property.

Apart from this, it has been submitted that the information regarding the victim having waited at a particular place on the asking of the petitioner and, thereafter, his having been picked up by the husband of the



petitioner, has been collected through the mouth of the son of the sister of the informant.

Thus, it has been urged that the accusation is absolutely vague and is based on suspicion only. In the entire investigation, no material could be brought on record to even remotely connect the petitioner with the offence. The effort of the investigator to find out something from the CDR of the relevant telephone numbers have also bore no fruit. Thus, though the victim remain traceless, the name of the perpetrators of the crime also remains in obscurity.

For the reasons afore-stated, the petitioner was granted provisional bail *vide* order dated 21.08.2021.

There being nothing in the investigation papers to suggest anything otherwise, the provisional bail granted to the petitioner is hereby confirmed. She shall remain on the same bail-bonds.

The application is allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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