

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 2272 of 2021**

Arising Out of PS. Case No.-427 Year-2020 Thana- MAJHAULIA District-
West Champaran

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SARDHA DEVI W/O PRABHU MANJHI R/O VILLAGE BHANACHAK,
P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Anant Kumar, Advocate
For the Opposite Party/s	:	Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-06-2021 This case has been taken up for consideration today
through Video Conferencing.

Mr Anant Kumar, Advocate, at the very outset, submits that Mr Sanjay Kumar No VII, learned counsel, who had filed the *vakalatnama* in this application, has succumbed to the COVID – 19 infections. He, being his chamber junior, has instructions from the client to argue the matter and, therefore, he seeks permission to argue the matter. Permission is accorded.

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

The petitioner seeks bail in Majhauria Police Station (for brevity, *PS*) Case No 427 of 2020 dated 18.06.2020 instituted for the offence punishable under Sections 302/34 of Indian



Penal Code.

Allegation in the First Information Report (for brevity *FIR*) is that the informant's brother, who has been residing with his wife in his *Sasural* for the last 5 – 6 years, has been killed by four named accused persons.

Petitioner's counsel submits that as per *FIR*, the allegation has been made on alleged intimation received on mobile phone. No details have been given as to who has given the intimation regarding the alleged incident. The informant, admittedly, is not an eye witness to the occurrence. The post mortem report, copy of which has been enclosed with the bail application, records one injury on the head. The same therefore belies the prosecution case that all four accused persons have together killed the informant's brother. The petitioner is mother-in-law of the deceased and is in custody since 20.06.2020.

Learned counsel for the informant and the learned APP for the State have opposed the prayer for bail. It is submitted that petitioner is named accused in the case and the post mortem report shows injury being sustained by the deceased.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya PS Case No 427 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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