

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.861 of 2021

Arising Out of PS. Case No.-57 Year-2019 Thana- LODIPUR District- Bhagalpur

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KHUSHBOO DEVI @ KHUSBOO DEVI Wife of Late Mritunjay Singh @
Mansi Resident of Village- Purusotampur Chorgaon, P.S.- Aasarganj, District-
Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-05-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner as well as learned APP for the State.

The petitioner seeks bail in Lodipur P. S. Case No. 57 of 2019 registered for the offence under Sections 302 and 201/34 IPC.

Upon recovery of a dead body from a well the FIR has been logged against unknown persons.

It is submitted by learned counsel for the petitioner that her implication is because brother of the deceased has stated that sometime back the petitioner had called his brother whereafter he did not return. The background in which such statement has been made is that the deceased was earlier accused of killing the petitioners husband and had also undergone custody.



Learned counsel for the petitioner submits that co-accused Sanjeev Kumar @ Satyam has confessed about his role in killing of the victim. He has named co-accused Manish Kumar however, even he has not stated about petitioner's involvement in the killing. Being a lady the petitioner in the circumstances has been in custody since 16.05.2020 though she has no criminal antecedent. Co-accused Sanjeev Kumar @ Satyam and Manish Kumar have been allowed bail in Cr. Misc. Nos. 53312 of 2019 and 20888 of 2020 respectively.

Learned APP for the State opposed the prayer for bail.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Chief Judicial Magistrate, Bhagalpur, in connection with Lodipur P. S. Case No. 57 of 2019, subject to the following conditions:-

1. 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.
2. That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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