

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3903 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- BARHARA KOTHI District- Purnia

Pinki Devi Wife of Madhav Mandal R/O Village- Bela Pemu Dargah Tola,
P.S.- Barhara (RAGHUBANCH Nagar), District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-07-2022 Let the defect(s), as pointed out by the office, be removed
within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with Barhara P.S.
Case No. 329/2021 registered for the offences punishable under
Sections 302, 307, 120B of the Indian Penal Code and 27 of the
Arms Act.

As per prosecution case, on 10.10.2021 the informant's
wife went to Badhar to bring the grass and on returning, his family
members namely, Shambhu Mandal, Sunil Mandal and Madhav
Mandal were behind the bush came suddenly and caught his wife and
co-accused, Shambhu Mandal shot fire on her left temples and in the
meanwhile co-accused Sunil Mandal shot fire on her head and co-
accused, Madav Mandal also shot fire on her head after that victim
died on the place of occurrence. They also fired on the informant but



he saved himself. Occurrence took place due to land dispute between the parties which has been continuing since last five years. Petitioner is one of the associates of the alleged occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to land dispute among the family members. The petitioner is lady and nothing has come against her in course of investigation. There is general and omnibus allegation against the petitioner. He further submits that from perusal of the case diary several witnesses have supported the case and found no involvement and there is no specific allegation against the petitioner and specific allegation against co-accused, Shambhu Mandal, Sunil Mandal and Madhav Mandal who killed the informant's wife by making firing. The petitioner is languishing in custody since 16.10.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, there is no specific allegation against the petitioner as submitted, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Purnea in connection with Barhara (Raghbanshnagar) P.S. Case No. 329/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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