

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4101 of 2022

Arising Out of PS. Case No.-254 Year-2018 Thana- DHURAIYA District- Banka

ASHA DEVI D/o Shaligram Mandal @ Shaligram Tanti, W/o Raja Tanti R/o
village- Jagtapur, P.S.- Shambhuganj (Fullidumar), District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Nandad Prasad, Advocate Mr. Anand Kishore Sinha, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dhoraiya P.S. Case No. 254 of 2018 registered
for the alleged offences under Sections 302 and 34 of the Indian
Penal Code.

As per prosecution case, brother of the informant was
married with the petitioner and allegation against the petitioner
is that she and other co-accused persons killed the brother of the
informant.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Learned counsel further submits that a case for unnatural death was lodged bearing U.D. Case No. 08/2018 on 04.07.2018 and it has been mentioned by the police that owing to illicit relation of the petitioner with some persons, the deceased, who was living in seclusion, committed suicide. There is no specific allegation against this petitioner who is said to have left with one Raja Tanti and solemnized marriage with him. Merely on suspicion she has been named in this case. After investigation, the police submitted charge sheet under Section 306/34 of the Indian Penal Code. In fact the deceased left his wife and deserted her after some time of her marriage and she started living at her parental house and after death of her husband Ajay Mandal, she solemnized marriage with Raja Tanti and it was not in the manner as alleged in the F.I.R. Learned counsel further submits that the charge sheet has been submitted in this case and the petitioner is in custody since 11.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation against the petitioner that she was instrumental in murder of her husband.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the origin of this case which is based on a complaint petition and further considering the U.D Case registered earlier and charge sheet submitted under Section 306/34 of the Indian Penal Code, and the petitioner being a lady, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 254 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the

petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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