

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8326 of 2022

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

1. Seema Devi W/o Late Sunil Manjhi Resident of Village- Bhanachak, Police Station- Majhauriya, District- West Champaran.
2. Prabhu Manjhi S/o Late Shri Manjhi Resident of Village- Bhanachak, Police Station- Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 302, 34 of the Indian Penal
Code.

According to prosecution case as per F.I.R. 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.

Learned counsel for the petitioners submits that
petitioners are innocent and they have falsely been implicated in
the present case. He further submits that in fact petitioner no.1 is



the wife of the deceased and petitioner no.2 is the father-in-law of the deceased and only on the basis of suspicion the name of the petitioner has falsely been implicated in the present case. He further submits that the postmortem report of the deceased shows that he received one swelling injury on his head measuring 4"x4" which cannot be caused by the assault of 4 accused persons including these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Sardha Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 03.06.2021 passed in Cr. Misc. No. 2272 of 2021. The petitioner no.1 is in custody since 19.08.2021 and petitioner no.2 is in custody since 16.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.1 has clean antecedent and petitioner no.2 carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court



below where the case is pending in connection with Majhauilya
P.S. Case No. 427 of 2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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