

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13347 of 2022

Arising Out of PS. Case No.-534 Year-2021 Thana- SHERGHATI District- Gaya

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1. Sanju Devi W/o- Anil Mandal Resident of Village - Hananganj, P.S. - Sherghati, Distt - Gaya.
 2. Ashok Mandal S/o- Late Dwarika Mandal Resident of Village - Hananganj, P.S. - Sherghati, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
	:	Mr. Mahendra Thakur, Advocate
For the State	:	Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Sherghati
P.S. Case No. 534 of 2021 registered for the offence under
Sections 302 and 34 of Indian Penal Code.



The accused/petitioners are named in the F.I.R. and are in custody since 10.12.2021.

The allegation against the petitioners is to commit the murder of the informant alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that from bare perusal of the F.I.R., it appears that allegation of assault is very much specific against co-accused, namely, Anil Mandal. It is submitted that petitioner no.1 is a lady having minor allegations of abuse and assault. While concluding the argument, it is submitted that both the petitioners are persons of clean antecedent and investigation in this case is complete for which chargesheet has been submitted under Section 304 of the I.P.C.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that specific allegation of assault is against co-accused, namely, Anil Mandal to cause death of mother of the informant by tying saree around the neck of the deceased.

Considering the facts and circumstances as mentioned above, as allegation against the petitioners is limited only to abuse and assault rather specific allegation to cause death is against co-accused, namely, Anil Mandal coupled with the fact



that chargesheet has been submitted under Section 304 of I.P.C. where petitioner no.1 is a lady, let the petitioners, above named, are directed to be released on bail in connection with Sherghati P.S. Case No. 534 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati at Gaya, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.



(iii) That one of the bailors shall be
Dharmendra Kumar Bhuia, who is the
nephew of the petitioners and deponent of
the present bail petition.”

(Chandra Shekhar Jha, J)

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