

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18154 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- DERNI BAZAR District- Saran

Radhika Kunwar W/o Late Charandeep Manjhi Resident of Village-Itwa
Maheshiya, P.S.- Darni, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Darni P.S. Case No. 102 of 2021 under section 302/34 of the
Indian Penal Code.

As per the allegation in the FIR, the informant's sister
was married to Muneshwar Manjhi and was blessed with three
children. After the death of her husband, she married his
younger brother(Devar), Jaleshwar Manjhi but immediately
after marriage, it is alleged that the accused persons and her
husband used to assault his sister every now and then. It has
further been alleged that the said Jaleshwar Manjhi was lodged



in 'Tihar' jail in connection with killing of his first wife and when he was released on bail and after marriage with the informant's sister, he regularly used to beat her. So far as this lady, the mother-in-law of the informant's sister is concerned, it is alleged that she also used to support Jaleshwar Manjhi in the assault.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the deceased lady was earlier married to the elder son of the present petitioner and there was no allegation of any assault against her during the said period. He further submits that whatever allegation is there, it is clear that it was Jaleshwar Manjhi, who used to assault the lady. Only because the petitioner is mother of the said Jaleshwar Manjhi, she has been implicated in this case and is in jail since 20.7.2021 (as stated in para-1 of the bail application).

Taking into account the fact that the petitioner is the mother-in-law and the specific allegation of killing is against Jaleshwar Manjhi and unknown accused persons, she is in custody since 20.7.2021 and the charge-sheet has been submitted, this Court is inclined to grant her the privilege of bail.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Derni P.S. Case No. 102 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of bail by the Trial Court itself;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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