

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21870 of 2022**

Arising Out of PS. Case No.-268 Year-2021 Thana- KAHALGAON District- Bhagalpur

1. Manisha Devi Wife of Ram Pravesh Mandal Resident of Village - Dhanora, P.S.- Rasalpur, District - Bhagalpur
2. Punam Devi Wife of Baijnath Tanti @ Baijnath Mandal Resident of Village - Bashudeopur, Bhalua, P.S.- Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shatish Chandra Mishra, Advocate.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shatish Chandra Mishra, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Kahalgaon (Rasalpur) P. S. Case No. 268



of 2021 (Sessions Trial No. 670 of 2021) registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.

As per the prosecution case, it is alleged that the son of the informant, namely, Ram Pravesh Mandal had asked to his father to give his share and when his father denied, all the accused persons assaulted him with *lathi* and *danda* and when sons of the informant came to save their father the accused persons also assaulted them.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners are ladies and there is no specific allegation of any overt act against them. It is further submitted that the petitioner no. 1 is daughter-in-law and the petitioner no. 2 is *Samdhan* of the deceased. It is next submitted that the deceased was 80 years old and only one injury has been found, which was accidental and not intentional. It is also submitted that the petitioners are in custody since 14.08.2021, though the investigation of the crime is already completed, apart from that the co-accused Ram Pravesh mandal against whom there was specific allegation has already been granted bail by this Hon'ble Court in Cr. Misc. No. 59338 of 2021 vide order dated 22.06.2022. A copy of which has been produced before



this court and the same has been kept on record.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners are ladies and they are in custody since 14.08.2021 and moreover, co-accused Ram Pravesh Mandal against whom there was specific allegation, has already been granted bail by this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge IV, Bhagalpur in connection with Kahalgaon (Rasalpur) P. S. Case No. 268 of 2021 (Sessions Trial No. 670 of 2021), subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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