

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1392 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- PURNEA SADAR District- Purnia

Md. Mansoor @ Md. Mansar S/o Md. Faizul R/o village- Chhatiya Ward No. 07, P.S.- Muffasil, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Rabindra Rishi S/o Late Nunu Lal Rishi R/o village- Chhatiya Rishideo Tola, P.S.- Muffasil, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Viveka Nandsingh, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 14-11-2022 Heard learned counsel for the appellant and learned
A.P.P. for the State.

Even after valid service of notice on respondent no. 2,
no one appears on behalf of the respondent no. 2.

As per prosecution, it has been alleged that the informant has stated before the police that on the evening of 09.02.2022 the mother of the informant Kari Devi and his neighbour Dukhni Devi went to the nearest market with a view to purchase meat. Upon returning Mansoor tried to outrage the modesty of Dukhni Devi, which was opposed by the informant's mother. Subsequently, the said Dukhni Devi returned to the house on motorcycle of a stranger. It has been informed to the

informant by Dukhni Devi that informant's mother would come back soon. But the mother of the informant did not return. Subsequently, on 10.02.2022, the dead body of the informant's mother found in necked condition and her hands and legs were tied. Subsequently, the said Dukhni Devi informed that Mansoor tried to outrage their modesty. She also informed that at about 9.30 pm of previous night the said appellant visited to the house of her cousin also. With this suspicion the present case has been filed.

Learned counsel for the appellant submits that the case diary has been called for and in the entire case diary, no material has been found against present petitioner, everywhere there is strong suspicion. He submits that there is no witness of the occurrence. He also submits that the said Dukhni Devi who was saved by the mother of the informant, has not been consistent with her statement and it creates strong suspicion against informantion provided by the Dukhni Devi because she is the last person who saw the deceased. Learned counsel for the appellant further submits that appellant has clean antecedent and he is in custody since 10.02.2022.

Spl.P.P. opposes the prayer for bail.

In the present facts and circumstances of this case and

the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge – Cum – Special Judge, S.C./S.T. Act, Purnea in connection with Muffasil P.S. Case No. 101 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

In this background, the order dated 06.04.2022 passed by 1st Additional Sessions Judge – Cum – Special Judge, S.C./S.T. Act, Purnea in Sadar Muffasil P.S. Case No. 101 of 2022 is hereby set aside.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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