

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45421 of 2021**

Arising Out of PS. Case No.-54 Year-2020 Thana- IMAMGANJ District- Gaya

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SUDHA DEVI W/o MANOJ KUMAR @ MANOJ MISTRI R/o VILLAGE-
BAGEYA, P.S-IMAMGANJ, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Imamganj P.S.
Case No. 54/ 2020 registered for the offences punishable under
Sections 302/34 of the IPC.

The prosecution case in short is that on 06.04.2020 the
informant received an information that his sister has died. When
the informant reached there, he found her dead body lying there.



According to the informant, his sister was married with one Manoj Mistri in the year 2007 but despite lapse of few years, his sister could not give birth to any child. On account of above reason, after amicable settlement, co-accused Manoj Mistri solemnized his second marriage with petitioner. Thereafter, all the accused persons including the petitioner started torturing her sister and demanded Rs. 50,000/-. The accused persons on non fulfilment of aforesaid demand killed his sister.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and she has falsely been implicated in the present case. He further submits that the petitioner is second wife of husband of the deceased. He further submits that only on the basis of suspicion name of the petitioner has come in the present case. He further submits that during investigation nothing has come against the petitioner and police after investigation submitted charge sheet against the petitioner and other accused persons. Petitioner is in custody since 15.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar Singh, learned Judicial Magistrate 1st Class, Sherghati (Gaya) in connection with Imamganj P.S. Case No. 54/ 2020, subject to the following conditions:-

1. Petitioner 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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