

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46193 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- BHAWANIPUR District- Purnia

Chamnee Devi, wife of Late Bilat Mandal @ Vilash Mandal, Resident of village-Baliya Ashram Tola, Police Station-Bhawanipur (Baliya O.P), District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-02-2022 The matter has been listed today for consideration through virtual mode.

Heard learned counsel appearing on behalf of the petitioner as well as learned Additional Public Prosecutor appearing for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner who is in custody since 25.02.2021 seeks regular bail in connection with Bhawanipur (Baliya O.P) P.S. Case No.10/2020 registered for the offence punishable under Sections 147,148,149,452,447,341,342,323,324,302,120(B) of the IPC.

Prosecution case in brief is that altogether ten accused including female entered into the house of the informant. The



informant identify the accused persons in the light of electric bulb and made specific allegation against co-accused Arun Sharma, Hira Mandal, Siyaram Sharma who after tying the victim Gunjan Devi cut his throat who is mother of the informant.

Learned counsel appearing on behalf of the petitioner submits that in the present case the informant is the eyewitness and not made any allegation of individual role against her in committing the offence rather the name of real culprit is disclosed in the FIR and as such the petitioner who is a lady aged about 50 years and there is previous enmity between the informant and the petitioner, deserves to be released on bail.

Learned counsel appearing on behalf of the State has opposed the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case, no specific allegation has been assigned against the petitioner in the FIR, by the informant who is the eye witness of the case. Informant has named another co-accused named in the FIR against whom there is specific allegation of commission of murder and taking into the period of custody of the petitioner as well as trial, which is not likely to conclude soon due to COVID-19 pandemic, the petitioner above



named, directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Purnea/successor court in connection with Bhawanipur (Baliya O.P) P.S. Case No.10/2020, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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