

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47326 of 2021

Arising Out of PS. Case No.-707 Year-2020 Thana- BANKA District- Banka

Minu Devi W/O Mannu Yadav R/O Village-Majlishpur, P.S- Banka, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2022 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 Banka P.S. Case No. 707 of 2020 (G.R. NO. 2678/2020) registered for the offences punishable under Sections 323, 341, 302/34 of the Indian Penal Code.

According to prosecution case as per F.I.R. is that when the wife of the informant namely, Neelam Devi on 01.09.2020 went for disposal of the garbage of her house at the land of one Naresh Yadav situated in front of her house, this petitioner along with other brutally assaulted the informant's wife.



It is further alleged that while the daughters of the informant intervened in rescue her mother, they too were assaulted by the accused/petitioner and other. On hulla, the informant came and took his wife to Sadar Hospital Banka, where she was declared as dead.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no specific allegation of assault against the petitioner. He further submits that similarly situated, co-accused, namely, Karmi Devi @ Kami Devi and Rajesh Yadav @ Rajesh Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 12.01.2022 passed in Cr. Misc. No. 21859 of 2021. The petitioner is in custody since 10.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for 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 the learned Chief



Judicial Magistrate, Banka in connection with Banka P.S. Case No. 707 of 2020 (G.R. No. 2678 of 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 his absence on two consecutive dates without sufficient reason, his 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 his 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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