

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53020 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- PARBATTI District- Bhagalpur

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SANGEETA DEVI WIFE OF FOKO MANDAL @ PRABHAKAR
MANDAL RESIDENT OF VILLAGE- RAGHOPUR, P.S.- PARBATTI,
SUBDIVISION- NAUGACHIA, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 306 and 34 of the Indian Penal
Code.

As per the prosecution case, the informant had
illicit relation with Bhabhi Sangeeta Devi of his village. The
husband of Sangeeta Devi told her on telephone to die and as
such she poured kerosene oil on the body and set fire.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case only on
the basis of suspicion. He further submits that the petitioner



was not present at the time of alleged occurrence even phone number is not given in the F.I.R. from which the call was made. He further submits that the co-accused, namely, Foko Mandal @ Prabhakar Mandal has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.03.2021 passed in Cr. Misc. No. 2298 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.02.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Parabatta P.S. Case No. 04 of 2020/ G.R. No. 43 of 2020 with 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

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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