

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55039 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- MANSAHI District- Katihar

1. Karina Devi, Wife of Botal Uraon, Resident of Maira, Ward No 10, P.S.- Mansahi, Dist- Katihar
2. Betab Uraon, Son of Basudeo Uraon, Resident of Maira, Ward No 10, P.S.- Mansahi, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56091 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- MANSAHI District- Katihar

Mango Devi, W/O Siyaram Uraon, Resident of Maira, Ward No. 10, P.S.- Mansahi, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55039 of 2021)

For the Petitioner/s : Mr. Dharendra Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

(In CRIMINAL MISCELLANEOUS No. 56091 of 2021)

For the Petitioner/s : Mr. Dharendra Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 05-09-2022 Today this case has been listed on priority basis, on the motion slip filed by the learned counsel for the petitioners.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.



Heard Mr. Dhirendra Singh, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with S. T. No. 206 of 2021, arising out of Mansahi P.S. Case No.27 of 2021, for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

It is alleged that the father of the informant left his house at 4.30 P.M. on 21.03.2021, but when he did not return till 9.00 PM, the informant called him on his mobile, but the same was found switched off. On the next day, while searching, the informant found that his father's motorcycle lying besides a road. A blood stained axe was also found and after some distance, the dead body of the informant's father was found in a maize field, which belongs to Mangal Uraon. The informant alleged that co-accused Md. Ansar in collusion with his associates killed his father by assaulting him with sharp cutting weapon.

Learned counsel appearing on behalf of the petitioners submits that from the F.I.R. it is evident that the petitioners are not named in the F.I.R. and the specific allegation has been levelled against co-accused Md. Ansar, however, during the course of investigation it has come that the deceased had illicit



relation with Karina Devi, wife of Betab Oraon and due to which all the petitioners along with other co-accused persons by hatching conspiracy killed the deceased. He further submits that though there is no eye witness to the alleged occurrence, but statement of one Mostt. Jiria Devi was recorded by the police and she disclosed that on the fateful day there was marriage in the village and when she heard some hulla, she came to the place of occurrence and saw that co-accused Vikash Uraon armed with Farsa and other co-accused Betab Oraon, Lallu and Md. Baya armed with bamboo sticks were assaulting the deceased and on account of assault he succumbed to the injuries. Karina Devi and Mango Devi came to the place of occurrence along with others and thrown the body to the Maize field. He next submits that save and except the statement of witness Jiria Devi, there is no eye witness to the occurrence, who claiming themselves to have seen the occurrence. He further submits that because the deceased had illicit relationship with the wife of Betab Uraon, the names of entire family members have been implicated in this case. He lastly submits that the petitioners having fair antecedent, are in custody since 10.04.2021.

Learned counsel for the State vehemently opposes the



bail application and submits that eye witnesses to the alleged occurrence have specifically stated with regard to the participation of the petitioners in the crime. He next submits that it is specifically alleged that Betab Uraon assaulted the deceased by means of Bamboo stick. He next submits that the petitioners have also confessed their involvement in the crime and moreover there are other materials showing the complicity of the petitioners in the crime.

Having regard to the submissions made on behalf of the parties and considering the statement of the witnesses, save and except one Jiria Devi, who have stated before the police that petitioner Betab Uraon was indulged in assaulting the deceased by Bamboo stick, however, no injury has been found over the body of the deceased, caused by hard and blunt substance. So far as other two ladies are concerned, there is allegation of concealment of evidences and screening the offenders, apart from the fact they are in custody since 10.04.2021, having fair antecedent, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Katihar in connection with S. T. No. 206 of 2021, arising out of Mansahi P.S. Case



No.27 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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