

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56683 of 2021**

Arising Out of PS. Case No.-267 Year-2018 Thana- CHIRAIYA District- East Champaran

INDU DEVI Wife of Krishna Nadan Mahto Resident of Village - Kolasi, P.S.-
Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Adv

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 302 of the Indian Penal Code.

Informant has alleged in her written complaint that on 14.07.2018 due to some disputes between children FIR named accused Allaha Mahto, Ram Kali Devi, Indu Devi, Krishnandan Mahto, Ram Ekbal Mahto, Rajendra Mahto and Rudal Mahato started assaulting her daughter Chanda Kumari aged about 13



years by slaps and fists and on receiving said information she rushed to the place of occurrence where saw Allaha Mahto, Ramkali Devi, Indu Devi, Krishnandan Mahto all were assaulting her daughter by fists, leg and slaps. Ram Ekbal Mahto, Rajendra Mahto and Rudal Mahto caught hold of the informant, however villagers subsequently assembled and they fled away and she took her daughter in the state of unconscious where she was declared dead.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation all the accused persons. There is no specific allegation against the petitioner. He further submits that the similarly situated co-accused, namely, Ramkali Devi has been granted anticipatory bail vide order dated 03.07.2019 in Cr.Misc. No.40422 of 2019, co-accused person, namely, Ram Ekbal Mahto, Rajendra Mahto and Rudal Mahto have also been granted anticipatory bail vide order dated 22.01.2020 in Cr. Misc. No.79378 of 2019 by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 27.07.2021.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioner.

Considering the aforesaid facts, 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 learned Court below where the case is pending in connection with Chiraiya P.S. Case No.267 of 2018 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 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.

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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