

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47550 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- GAMAHARIYA District- Madhepura

MANISHA DEVI @ MANISHA KUMARI W/o Satynarayan Ray @ Kailu
Resident of Village- Gamharia, Ward No.01, P.s.- Gamaharia, District-
Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Anant Kumar 1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-10-2022 Today this case has been listed on the urgent motion
slip filed by the learned counsel for the petitioner.

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

Heard Mr. Ranjay Kumar Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Gamharia P. S. Case No. 70 of 2022
registered for the offences punishable under Sections 302 and
120(B) read with 34 of the Indian Penal Code.



The prosecution case is based on a written report filed by the informant alleging therein that on 24.04.2022, he received an information that his son-in-law and daughter have been killed, whereupon, he went to her *susral*, where he found the dead body of his daughter was lying in her room and the dead body of his son-in-law was found near a canal. It is also alleged that his daughter had earlier disclosed that co-accused Chandan Kumar used to come in her house, who is son of the elder brother of his son-in-law. Suspicion has been raised against Chandan Kumar and his associates.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R. and from the tenor of the F.I.R., it would be evident that suspicion has been raised against co-accused Chandan Kumar and the family members of the deceased, however, only on account of the fact that the petitioner being wife of co-accused Chandan Kumar and on the fateful day, the petitioner had talked with her husband, her name has been implicated in this case. It is also submitted that the informant is not an eye-witness to the alleged occurrence and even from the F.I.R., it appears that neither the deceased daughter of the informant had ever made any complaint against the petitioner nor any suspicion has been



raised against her. It is further submitted that the petitioner being wife of co-accused Chandan Kumar having fair antecedent, is in custody since 12.06.2022 and moreover, even from the order impugned, it is evidently clear that no material has come, save and except the Call Detail Report (CDR), which suggests that the husband and wife had talked with each other on the fateful day. It is last submitted that after investigation of the crime, charge sheet has been submitted and there is no chance of absconding of the petitioner and tampering with the evidences.

On the other hand, learned APP for the State opposes the bail application and submits that the complicity of the petitioner cannot be denied as the suspicion has been raised about the complicity of her husband, who frequently used to visit the house of the deceased.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the entire case is based on suspicion and save and except the Call Detail Report, which suggests that the husband and wife had talked to each other and no material has come during the course of investigation and moreover, the petitioner being a lady, having fair antecedent, is in custody since 12.06.2022, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Gamharia P. S. Case No. 70 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She 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, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

