

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70243 of 2021

Arising Out of PS. Case No.-226 Year-2020 Thana- BELAGANJ District- Gaya

SANGITA DEVI W/o Surendra Manjhi Resident of Village - Bhindaspur Tola
Saraiya, P.S.- Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shams Alam, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2022 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 offence punishable under Sections 147, 149, 341, 323, 302, 307 of the I.P.C. and Section 3/4 of the Dayan Act.

From bare perusal of the allegation as alleged in the F.I.R., it would manifest that on 29.07.2020 at about 6.00 P.M. when the mother-in-law of informant was returning to her home after planting paddy, all the F.I.R. named accused persons, called her witch and thereafter assaulted her by means of Lathi and Danda as a result of which she died.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. She has falsely been implicated in the present case. He further submits that in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation. He further submits that there is no eye witness of the alleged occurrence and co-accused, namely, Kameshwar Manjhi and six others have already been granted bail vide order dated 06.09.2021 in Cr. Misc. No.20278 of 2021 and co-accused, namely, Rekha Devi has also been granted bail vide order dated 15.11.2021 in Cr. Misc. No. 19661 of 2021 by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.03.2021.

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 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 Belaganj P. S. Case No. 226 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 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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