

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11169 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- MANPUR District- Nalanda

MANTI DEVI Wife of Sunil Yadav @ Kalara Yadav R/V- Makduane P.s-
manpur, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s :	Mr. Bhanu Pratap Singh, APP
For the Informant :	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.09.2022 in connection with Manpur P.S. Case No. 222 of
2022, F.I.R. dated 10.09.2022 for the offences punishable under
Sections 341, 323, 115, 302, and 504/34 of the Indian Penal
Code and Sections 25(1-b)a, 26, 27, 35 of Arms Act.

According to prosecution case, on the basis of
written statement given by informant Rekha Devi before the
police officer on 10.09.2022, it is stated that on 09.09.2022 at
08:00 A.M., Manti Devi, wife of Sunil Yadav, had quarrel
between the children. After hearing the quarrel, husband tried to
pacify the matter, then Manti Devi shouted loudly and called her



husband Sunil Yadav and brother-in-law Sube Yadav and all the three accused persons started assaulting the informant's husband. In the meantime, mother of Kalara Yadav came out of her home with arms and gave it to Sunil Yadav @ Kalara Yadav and the accused persons caught hold of informant's husband and Manti Devi instigated her husband to sought the informant's husband upon which Sunil Yadav shot at Budhan Yadav which hit on his chest in left side and he fell down and died on the spot.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from the bare perusal of the F.I.R. it transpired that there is no specific allegation of any assault or overt act is attributed against the petitioner rather there is specific allegation of firing is attributed against the co-accused person, namely, Sunil Yadav, who is husband of the petitioner. He further submits that the police after investigation submitted the charge-sheet against the petitioner and the petitioner is in custody since 11.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Addition Chief Judicial Magistrate- 5, Nalanda at Biharsharif in connection with Manpur P.S. Case No. 222 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

vikashkr/Aditi-

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

