

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17238 of 2023

Arising Out of PS. Case No.-335 Year-2022 Thana- MAHISHI District- Saharsa

MANJU DEVI W/O SHIVKANT YADAV Resident of Village- Panchbhinda,
Ward No.- 4, P.S.- Mahisi (Jalai), District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023

Heard the parties.

The petitioner is apprehending his arrest in connection with Mahishi (Jalai) P.S. Case No 335 of 2022 for the offence under Sections 302, 120(B) and 34 of the I.P.C. lodged on 24.11.2022 by the informant Indal Mukhiya.

The prosecution story, in brief, is that the informant, Indal Mukhia, in brief, is that on 24.11.2022 at about 8:45 PM he received information that his niece, Laxmi Devi was being assaulted by his son-in-law, Mulayam Yadav, (2) Dev Narayan Yadav, (3) Jeebachchi Devi, (4) Pradeep Yadav, (5) Manju Devi. Thereafter, the informant and Raj Kumar Yadav came to save their niece and on seeing them, the accused persons fled away



from the place of occurrence. meanwhile the informant along with one Raj Kumar Yadav entered the house of her niece and found that his niece had been killed. Police was informed and his niece's dead body was brought for autopsy by police. The reason behind the alleged occurrence is that the accused persons had lured the deceased to take loan for them. On 22.11.2022, the agent who provided them loan came and asked for installment. His son-in-law and others accused persons pressurized her niece to bring money from her parents and due to non-fulfillment of demand of dowry on the pretext of payment of installment of loan, accused persons killed his niece, Laxmi Devi. Accordingly, the F.I.R.

It has been contended by learned counsel for the petitioner that omnibus allegation has been made against the entire family members and has straightway taken this Court to the order of co-ordinate Bench on 16.05.2023 in Cr. Misc. No. 27837 of 2023 by which one lady, Jeebachhi Devi has been granted relief.

Learned APP opposes the prayer.

Taking into account the fact that the petitioner is also a lady, similar situate has been granted relief, this Court is inclined to extend her the privilege of anticipatory bail with



conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M, Saharsa, in connection with Mahishi (Jalai) P.S. Case No 335 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

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