

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21008 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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SURYAKALA DEVI Wife of Late Jagdish Mandal R/V- Kawari Ward no. 5,
@ Kwari ward no. 5, PS-Bathnaha Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
20.08.2022 in connection with Rail P.S. Darbhanga (Sitamarhi)
(G.R.P./D.B.G.) P.S. Case No. 144 of 2022, F.I.R. dated
17.08.2022 for the offences punishable under Sections 302, 379
of the Indian Penal Code.

3. According to prosecution case, as per written report
of the informant namely, Samta alleging therein that the
informant father was a railway catering and vending contractor
and on receiving information from the accused petitioner
namely, Suryakala Devi (who was a cook in the deceased's
canteen) the informant found that her father was murdered in his



office.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner. He further submits that during investigation it has come that the co-accused namely, Guddu and Mantosh Sah have committed the crime in question and Guddu in his confessional statement confessed that he has murdered the father of the informant. He further submits that except the self confessional statement of the petitioner no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, against whom the allegation of murder of the deceased namely, Guddu Kumar and Mantosh Sah have been granted bail by a co-ordinate Bench of this Court vide orders dated 24.06.2023 and 27.04.2023 passed in Cr. Misc. No. 36049 of 2023 and Cr. Misc. No.2876 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.08.2022.



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

6. 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 Railway Magistrate, Samastipur in connection with Rail P.S. Darbhanga (Sitamarhi) (G.R.P./D.B.G.) P.S. Case No. 144 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 her 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 her 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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