

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28285 of 2023**

Arising Out of PS. Case No.-171 Year-2019 Thana- BUNIYAD GANJ District- Gaya

BASANTI DEVI Wife of Late Laldeo Manjhi Resident of Village -  
Bhediyakala, P.S. - Buniyadganj, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

- 5      06-10-2023      1.      Heard the learned counsel for the parties.
2.      The petitioner seeks bail in connection with
- Sessions Trial No. 144/2020 arising out of
- Buniyadganj P.S. Case No. 171/2019 dated
- 11.09.2019 instituted for the offences under
- Sections 302 and 34 of the Indian Penal Code and
- Section 3/4 of the Prevention of Witch (Daain),
- Act.
3.      The prayer for bail of the petitioner was
- earlier thrice rejected by this Court.
4.      She is in custody since 12.09.2019.



5. A report had been called for from the court below about the stage of the case, which has been received and is kept at Flag - 'A'. The report indicates that out of eight chargesheet witnesses, six have already been examined, which includes the I.O. and the Doctor. It, therefore, appears that only two private witnesses are left to be examined. Even then, the Trial Court has requested for a minimum of six month's time to conclude the Trial.
6. This is inexplicable.
7. The petitioner is said to have slit the neck of the deceased on the charge of his having practiced witchcraft on her.
8. The F.I.R. has been lodged by the daughter-in-law of the deceased, who in her fardbeyan had stated that she had seen the neck of the deceased being slit by the petitioner. However, during the cross-examination, she has clearly stated she did not see who did that. The other witnesses who



have been examined, namely, Devan Manjhi (PW1) and Tuntun Manjhi (PW2) are hearsay witnesses whereas Dhanraj Kumar (PW4) has been declared hostile. The rest of the two witnesses are the Doctor and I.O. Thus, it appears that the informant also has not supported the prosecution version of her having seen the petitioner killing the deceased.

9. Considering these aspects of the matter and especially the period of custody of the petitioner, which is from 12.09.2019, this Court has been persuaded to grant bail to the petitioner during the pendency of the Trial.

10. For the reasons afore-stated, the petitioner, above named, is directed to be released on bail on her furnishing bonds in the sum of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge -XV, Gaya in connection with Sessions Trial No. 144/2020 arising out of



Buniyadganj P.S. Case No. 171/2019.

11. The petition stands allowed.

**(Ashutosh Kumar, J)**

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