

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31345 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Sunita Devi wife of Laxman Mandal Resident of Village - Govindpur, Police Station- Pirpainti, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-01-2023 Heard Mr. Najmul Hodda, learned counsel appearing on behalf of the petitioner and Mr. Shyameshwar Dayal, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Pirpainti P.S. Case No. 240 of 2021 registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case is based on a written report of the informant alleging therein that on 16.10.2021, he got an information that his son was done to death. Upon hearing the said information, he rushed to the place of occurrence and found the dead body of his son, who has been killed by pressing his neck with towel. It is alleged that on 15.10.2021, in the evening, the petitioner had called his son, upon which, his son along with



co-villager, namely, Ashish Kumar went to meet her. It is also alleged that the petitioner was having relationship with the co-accused Laddu Mandal and Bhim Mandal and they were opposing the intimacy of the petitioner with the deceased, hence, all of them by hatching conspiracy killed the son of the informant.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the informant is not an eyewitness to the alleged occurrence and only because of the fact that the deceased had in relationship with the petitioner, her name has been implicated in this case. Though, the statement of the petitioner was recorded by the police who has categorically stated that the co-accused Laddu Mandal and Bhim Mandal are the culprits, who have committed the crime of killing the deceased, as both of them protesting the relationship of the deceased with the petitioner. He further submits that the petitioner is a lady having fair antecedent and she is in custody since 18.10.2021. Moreover, the investigation of the crime is complete and the charge-sheet has been submitted. He lastly submits that though in the FIR it is specifically stated that the deceased went along with Ashish Kumar, his statement has never been recorded by the police.



On the other hand, learned counsel for the State while opposing the prayer for bail of the petitioner submits that the petitioner was having good relationship with the co-accused Laddu Mandal and Bhim Mandal, who killed the deceased and the materials have come during the course of investigation which suggest her complicity in the commission of the crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eyewitness to the alleged occurrence and save and except the allegation that the petitioner had relationship with the deceased, which was protested by other co-accused persons, there is no material and, moreover, the petitioner is a lady and has been languishing in custody for more than one year and the investigation is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 4th, Bhagalpur in connection with Pirpanti P.S. Case No. 240 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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