

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34962 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Saraswati Devi Wife Of Late Birendra Manjhi Resident Of Village - Mathna,
P.S. -Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 23-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Buniyadganj P.S. Case No. 67 of 2021 registered under sections 302 and 34 of the Indian Penal Code.

Prosecution case in short is that the informant's son and his daughter-in-law were quarreling, further his daughter-in-law informed about the quarrel to his brothers, who came and forcibly took informant's son on a tempo and informant's daughter-in-law along with her minor son, accompanied them. Further, it is alleged that on 20.04.2021, the informant came to know that his son died on which he reached the place of occurrence where his minor grandson disclosed that the accused



persons assaulted the deceased at the instance of his mother (petitioner).

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. As per F.I.R., it is alleged that minor grandson disclosed that the accused persons assaulted the deceased at the instance of his mother but during investigation, the police has not recorded the statement of the minor grandson of the informant. There is no consistent material available against the petitioner and also there is no eye-witness of the alleged occurrence. Nothing incriminating has been recovered from the possession of the petitioner or from her house. A statement has been made in para-3 of this petition that she has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by different co-ordinate Bench of this Court vide order dated 26.04.2022 in Cr. Misc.No. 69612 of 2021. As per the report with respect to stage of trial, it is apparent that the case is fixed for prosecution evidence. The petitioner is languishing in judicial custody since 21.04.2021.

The application for bail vehemently opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Buniyadganj P.S. Case No. 67 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. XV, Civil Court, Gaya.

(Sunil Kumar Panwar, J)

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