

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35098 of 2022**

Arising Out of PS. Case No.-214 Year-2020 Thana- CHAKAI District- Jamui

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1. Sunita Devi @ Manju Devi Wife of Babu Yadav Resident of Village- Bakshila Tola, Naiyadih, P.S.- Chakai, District- Jamui.
  2. Rameshwar Yadav Son of Late Prayag Yadav Resident of Village- Bakshila Tola, Naiyadih, P.S.- Chakai, District- Jamui.
  3. Palwa Devi Wife of Rameshwar Yadav Resident of Village- Bakshila Tola, Naiyadih, P.S.- Chakai, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate  
For the Opposite Party/s : Mr. A.G.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      25-01-2023                      After some arguments learned counsel for the petitioners seek permission to withdraw this application with respect to petitioner no.1 namely, Sunita Devi @ Manju Devi.

Permission is accorded.

Accordingly, the present application is dismissed as withdrawn with respect to petitioner no.1 namely, Sunita Devi @ Manju Devi.

Heard learned counsel for the petitioners no.2 and 3 and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be



removed within a period of four weeks from today.

Petitioners no.2 and 3 seek bail in a case registered for the offences punishable under Sections 302, 328 and 120(B) of the Indian Penal Code.

According to prosecution case, in brief, is that Rinku Devi sister of informant Mahendra Yadav got married with Fuldeo Yadav in the year 2009 but she got assaulted and tortured by her in-laws, because there was illicit relation of husband with his Bhabhi, Sunit Devi. They started to conspire for her murder. When after hearing informant and others went there, it was seen that Sunita Devi given two cup of tea to him and his uncle. Thereafter his sister was also given a cup of tea, but after taking tea she became restless and later on died. All accused persons caused this murder under conspiracy.

Learned counsel for the petitioners no. 2 and 3 submits that petitioner no.3 has clean antecedent and petitioner no.2 carries one criminal antecedent. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is direct allegation against the co-accused namely, Sunita Devi and there is no specific allegation of any overt-act against the petitioners. He further submits that



petitioners are the father-in-law and mother-in-law of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioners are in custody since 07.03.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.2 carries one criminal antecedent other than the present one. He further submits that there is sufficient material has come during investigation against these petitioners.

Considering the aforesaid facts and circumstances, let the petitioners no.2 and 3, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chakai P.S. Case No. 214 of 2020, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason,



their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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