

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37387 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KEWATI District- Darbhanga

Asha Devi W/O Lakshman Manjhi R/O Village. Binbara, PS. Keoti, Dist. Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 13.03.2023 in connection with Keoti P.S. Case No. 23 of 2023, F.I.R. dated 25.01.2023 for the offences punishable under Sections 302, 504, 506 and 34 of the Indian Penal Code.

4. According to prosecution case, a quarrel took place between the children then this petitioner along with other accused persons armed with lathi, danda came there and started abusing and assaulting the informant and her husband. It is further alleged that the accused Laxman Manjhi have a brick



blow on the head of the husband of the informant due to which he got seriously injured and died during the course of treatment.

5. 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 it appears from the F.I.R that there is no allegation of any assault or overt act attributed against the petitioner and in fact, the F.I.R in is two parts and according to part one, there is general and omnibus allegation against all the accused persons including the petitioner and according to part two, there is specific allegation against the co-accused, namely, Laxman Manjhi who assaulted the husband of the informant by means of bricks and this Laxman Manjhi happens to be the husband of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 13.03.2023.

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

7. 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 Judicial



Magistrate 1st , Darbhanga in connection with Keoti P.S. Case No. 23 of 2023, 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, her 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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