

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47827 of 2023

Arising Out of PS. Case No.-133 Year-2021 Thana- MIRGANJ District- Purnia

Pawo Devi Wife Of Bhagat Lal Mahto Resident Of Sanjhaghat Ward No.10,
Ps- Mirganj, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pooja Kumari, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard Ms. Pooja Kumari, learned counsel for the
petitioner and the learned APP for the State

The petitioner apprehends her arrest in connection
with Mirganj P.S. Case No.133 of 2021 instituted under Sections
147, 341, 323, 302, 504 of the IPC lodged on 13.11.2022 by the
informant Shikandar Mahto.

As per the prosecution story, the allegation is that
accused person due to previous dispute came to their house,
assaulted his wife and there are specific allegation is against
Sanjay Kumar Mahto @ Golu that he forcibly put poison in the
mouth of informant's wife, she became unconscious and
ultimately died.

Learned counsel for the petitioner submits that from
the FIR itself it is clear that omnibus allegation is against all the



accused persons, specific allegation is against Sanjay Kumar Mahto @ Golu of administering poison to his wife, she do not have criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that there is unfortunate death of the informant's wife attributed to the accused persons.

Considering the aforesaid facts that allegation has been made against Sanjay Kumar Mahto @ Golu, the petitioner is a lady, no criminal antecedent, omnibus allegation is there, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of her arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Mirganj P.S. Case No.133 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Purnia, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;



(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

Before parting, this Court would like to put on record its word of appreciation for Ms. Pooja Kumari, learned counsel appearing on behalf of the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan

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