

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52644 of 2023

Arising Out of PS. Case No.-778 Year-2022 Thana- TEKARI District- Gaya

Manju Devi W/O Raj Kumar Yadav @ Raj Kumar Prasad R/O Village-
Maniar Bigha, P.S- Konch, Distt.- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Chakravarti, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
17.11.2022, in connection with Tekari P.S. Case No. 778 of
2022, F.I.R. dated 16.11.2022 registered for the offences
punishable under Sections 364, 302, 34 of the Indian Penal
Code.

3. The F.I.R. of the occurrence of murder is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and she has been falsely
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the
petitioner has been transpired during investigation on the basis



of confessional statement of co-accused person namely Arun Kumar Manjhi and on the basis of confessional statement of co-accused person namely Satish Mishra the dead body of the deceased was recovered and the *scarf and gamcha* which was used in strangulation and tying hand of the deceased. Learned counsel for the petitioner further submits that except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person who has confessed the name of the petitioner namely Arun Kumar Jha who happens to be driver of the Bolero which was used in disposing of the dead body of the deceased has been granted bail by this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 22124 of 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.11.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, on the basis of material available on record as well as case diary vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that there was illicit relation between the daughter of the petitioner and the deceased and the petitioner and other



co-accused person have committed the murder of the deceased but fairly submits that there is no direct allegation against the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya in connection with Tekari P.S. Case No. 778 of 2022, 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 witness, 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 antecedents, 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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