

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52867 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- ISHIPUR District- Bhagalpur

Mala Devi, Wife of Ranjit Mahto R/O Village- Kisnichak, P.S.- Ishipur
(Barahat), Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.

For the Opposite Party/s : Mr. M.K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Praveen Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ishipur (Barahat) P.S. Case No. 41 of 2022, registered for the offences punishable under Sections 302, 504, 506, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the written report of the informant alleging therein that on 18.05.2022, the son of the informant received a call and thereafter, he left his house and after some time the informant heard a gun shot, upon which he



rushed to the place of occurrence, where he saw that 5-6 persons have surrounded his son and on noticing the informant they fired upon him and fled away. The informant claimed to identify the accused Sujit Mahto and Ranjit Mahto at the spot. It is further alleged that the reason behind the said occurrence is a land dispute and due to which the other co-accused persons including the petitioner by hatching a conspiracy, killed the son of the informant.

Learned counsel appearing on behalf of the petitioner submits that save and except the allegation that there was a dispute pertaining to a land and as such the petitioner along with other family members might have been hatched conspiracy and killed the deceased, there is no material suggesting the complicity of the petitioner. He next submits that so far the allegation with regard to the identification of two of the accused persons are concerned, they are the different persons have no connection with the petitioner. He also submits that on similar allegation other two co-accused persons, namely Gunjan Devi @ Gunjan Kumari and Sadhu Mahto have been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 58928 of 2022 vide order dated 10.02.2023, the copy of which has been place before the Court and the same has



been taken on record. He lastly submits that the petitioner is a lady having fair antecedent, is in custody since 04.06.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that other co-accused persons have been allowed privilege of bail and save and except the suspicion there is no material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Bhagalpur in connection with Ishipur (Barahat) P.S. Case No. 41 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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