

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57237 of 2023

Arising Out of PS. Case No.-312 Year-2023 Thana- PHULWARISHARIF District- Patna

REKHA DEVI W/O LATE CHHATRI MANJHI @ SARVESH MANJHI R/O
VILL- KURKURI, PS- PHULWARISHARIF, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Kumar Jain, Adv. Mr. Ajay Kumar Jain, Adv.
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP
For the Informant	:	Mr. Bhavesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned counsel for the informant as well as Mr. A.K. Choudhary, learned A.P.P. for the State.

The petitioner seeks bail in connection with Phulwari Sharif P.S. Case No. 312 of 2023 registered for the offence under Sections 365 of the Indian Penal Code and Sections 302, 201 and 120(B) of the Indian Penal Code has been added later on.

The petitioner and others are alleged to have abducted the son of the informant and it is suspected that he might have been killed.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that there is no eye witness to the alleged occurrence and the



petitioner has been implicated in this case on the basis of her confessional statement, which is recorded at paragraph-62 of the case diary. He further submits that as per confession of the petitioner, other accused persons have committed murder of the deceased as because the deceased was trying to commit wrong with the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.03.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the confession of petitioner leading to recovery of the dead body of the deceased along with his scooty itself suggest that the petitioner was instrumental and has actively participated in the alleged crime in question.

Considering the facts and circumstances of the case and the fact that the petitioner is lady and her involvement in the alleged occurrence as well as her incarceration, let the, above named, petitioner 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 learned A.C.J.m.-XIV, Patna in connection with Phulwari Sharif P.S. Case No. 312 of 2023 with 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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 his 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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