

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64975 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- SAKRI District- Madhubani

Farebi Mandal Son of Bangat Mandal Resident of Village - Gandhwari
Sonedai Pokhar Tola, P.S.- Sakri, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
06.08.2022 in connection with Sakri P.S. Case No. 05 of 2022,
F.I.R. dated 05.01.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, all the accused persons
including the petitioner have killed the daughter of the
informant by giving her poison.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case mainly on the basis of suspicion. He further submits that the petitioner is father-in-law of the deceased. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is no specific allegation attributed against the petitioner. He further submits that the petitioner has no concern at all with the family affairs of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that the similarly situated, co-accused, namely, Anmoliya Devi @ Anmoli Devi is mother-in-law of the deceased and has been granted bail by this Court vide order dated 21.03.2023 passed in Cr. Misc. No. 67251 of 2022. The petitioner is in custody since 06.08.2022.

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

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 Chief Judicial Magistrate, Madhubani in connection with Sakri P.S. Case No. 05 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 his absence on two consecutive dates without sufficient reason, his 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 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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