

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59788 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- MANIGACHI District- Darbhanga

Mannu Devi, W/o Mukesh Jha @ Chandan, R/v- Village- Chakbasaban, P.S.-
Manigachhi, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Jha, Adv.
		Mr. Jayant Anand, Adv.
For the Opposite Party/s	:	Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Sanjeev Kumar Jha, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Manigachhi P.S. Case No. 73 of 2024 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the brother of the informant was working in the brick kiln of his maternal uncle Ashish Yadav. On 30.03.2024, while he was going to the house of his maternal uncle, in the meanwhile, some unknown miscreants brutally assaulted him and fled away after leaving him in unconscious state. The



villagers took the victim in a critical condition to the hospital, however, during the course of treatment, he succumbed to his injuries.

4. Learned counsel for the petitioner contended that the FIR has been instituted against two named persons and neither any suspicion has been raised against the petitioner nor he has been named as an accused. However, during the course of investigation, the police came to know that the deceased had intimate relationship with the petitioner and on her confession, the slippers, gamcha and one mobile was recovered from her parental house, which led to the implication of the name of the petitioner in the present crime. Barring the recovery of afore-noted articles, there is no other material suggesting that the petitioner was instrumental in causing death of the deceased. The FIR clearly reveals that the deceased was assaulted by some unknown miscreants and the suspicion has been raised to all the FIR named accused persons. Only because of the fact that the deceased had intimate relationship with the petitioner, the name of the petitioner has been implicated. Moreover, the petitioner is a lady having fair antecedent and has been incarcerated since 02.04.2024.

5. On the other hand, learned counsel for the State



vehemently opposed the bail application and submitted that the recovery of articles of the deceased clearly suggests the involvement of the petitioner in the present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based upon suspicion, coupled with the fact that the petitioner is a mother of two minor children having fair antecedent and moreover investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Darbhanga in connection with Manigachhi P.S. Case No. 73 of 2024, 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) She will remain present on each and every date of trial till disposal of the case.
- (iii) She 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, her bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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