

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64455 of 2023

Arising Out of PS. Case No.-41 Year-2021 Thana- JANTA BAZAR District- Saran

Manisha Kumari D/O Sanoj Mahto @ Saroj Mahto Resident Of Village-
Basahi, Near Mandir, Lahladpur, Chak Hafiz, P.S- Janta Bazar, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Md. Anis Akhtar, the learned counsel for

the petitioner and Mr. Dashrath Mehta, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Janta Bazar PS Case No. 41 of 2021, FIR dated
23.02.2021, registered for the offences punishable under
Sections 302, 201/34, 120(B) of the Indian Penal Code.

3. According to prosecution case, the co-accused
persons murdered the son of the informant owing to his love
affair with the petitioner and they made this appear as a suicide.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been
implicated in the present case merely on the basis of suspicion.
He further submits that upon perusal of the complaint petition,
the date of occurrence as alleged in the complaint petition is



02.08.2020, but the complaint petition has been filed on 29.08.2020, after a delay of 27 days without giving any explanation of the delay. He further submits that upon further perusal of the complaint petition it appears that the son of the complainant was in love with the petitioner and the complainant has alleged that due to some dispute between the petitioner and his son, he has committed suicide. He lastly submits that except suspicion, no other cogent material has come during investigation that suggests the involvement of the petitioner in the present occurrence.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the fact that there is twenty-seven days delay in the date of occurrence and the filing of complaint petition without giving any explanation, let the petitioner, above-named, in the event of her arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Chapra, Distt.-Saran, where the case is pending in connection with



Janta Bazar PS Case No. 41 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). 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.

(ii). 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.

(iii). 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 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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