

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59690 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- JAIPUR District- Banka

1. Manoj Poddar, Son of Shatrudhan Poddar Resident of Village - Araji (Chakrama), Police Station - Mohanpur, District -Deoghar (Jharkhand)
2. Deepa Devi @ Dipa Devi, Wife of Manoj Poddar Resident of Village - Araji (Chakrama), Police Station - Mohanpur, District -Deoghar (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1, namely, Manoj Poddar.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1, namely, Manoj Poddar.

5. The petitioner no.2 seeks bail in anticipation of her arrest in a case registered for the offences punishable under Section 302/ 34 of the Indian Penal Code and Sections 3(i),(r),



(s), (2), (va) of the SC/ST (P.O.A.) Act.

6. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the informant alleges that he has two sons namely Abhishek Kumar Rajak (deceased) and Vibhishek Kumar Rajak. Further, Abhishek was residing and studying in village Chakrama and was also doing a private job in Jeevan Jyoti Dental Lab. It is next alleged that son of the informant was having an illicit relation with wife of Manoj Poddar for the last 5-6 years for which a *Panchayati* was also convened. It is next alleged that on 03.01.2024, the son of the informant called his mother and informed that he would return home by night, but on 04.01.2024, villagers informed that dead body of the informant's son was hanging in the orchard of Pokhan Sharma and accordingly, he reached the place of occurrence and saw the dead body of his son hanging from a tree and thus, alleges that accused persons killed his son and thereafter hanged his body.

7. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that the entire allegation hinges around suspicion. It is further submitted that informant himself alleges that the deceased was having illicit relation with the



petitioner, as such, why the petitioner would have killed the deceased. It is also submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion and the husband of the petitioner is already in custody. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

8. Learned A.P.P. opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Sonam Kumari, the learned Judicial Magistrate, 1st Class, Banka/ Successor Court in connection with Jaipur P. S. Case No.05 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite



giving assurance to this Court, is not cooperating in the investigation or is not presenting herself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

12. It is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall loose its effect.

13. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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