

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67458 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- BASOPATTI District- Madhubani

1. Ram Kumari Devi Wife of Late Ram Prasad Yadav @ Malik Yadav Resident of village - Virpur Gwala Tol, P.S.- Basopatti, District - Madhubani
2. Saroj Mandal Son of Hanshraj Mandal Resident of village - Jhitki, P.S.- Khirhar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-10-2024 Heard Mr. Gagan Deo Yadav, learned counsel appearing on behalf of the petitioners and Mr. Syed Ehteshamuddin, learned APP for the State.

2. Petitioners seek regular bail in connection with Basopatti P.S. Case No. 121 / 2024 registered for the offences punishable under Sections 25(1-B)(a)/26/35 of the Arms Act.

3. As per the allegation made in the FIR, in connection with Basopatti P.S. Case No.119 / 2024, in course of investigation, the petitioners have been made accused in the present case on suspicion on the basis of confessional statement of co-accused Mantut Devi. The alleged arms used in the murder of the co-accused Mantut Devi are said to have been



recovered from the house of one Surdas.

4. Learned counsel appearing on behalf of the petitioners submitted that in connection with murder of the husband of co-accused Mantut Devi, Basopatti P.S. Case No.119/2024 was lodged and subsequent to same, the arms were recovered on the basis of confessional statement of co-accused Mantut Devi from the house of one Surdas and thereafter on the basis of confessional statement of co-accused Mantut Devi, the petitioners have been made accused in the present case on suspicion only. The petitioners have clean antecedent and they are in custody since 30.06.2024.

5. Learned APP for the State has opposed the prayer for bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties and also considering the fact that no arms were recovered from the possession or house of the petitioners rather the arms were recovered from the house of one Surdas and the name of the petitioners surfaced in the case on the basis of confessional statement of co-accused Mantut Devi, the petitioners, who are in custody since 30.06.2024 are directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate-I,
Madhubani in connection with Basopatti P.S. Case No. 121 /
2024 subject to the following conditions:

- (i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.
- (iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (iv) If the petitioner is found involved in similar nature of offence, after her release on bail, the trial Court shall take steps to cancel her bail bond.

7. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is found pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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