

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.66413 of 2024

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

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Mantut Devi, aged about 30 years, Female, Wife of Late Ram Prasad Yadav
@ Malik Yadav, R/O Vill.- Virpur, Gwala Tol, P.S.- Basopatti, Dist.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 01-10-2024 Heard Mr. Gagan Deo Yadav, learned counsel
appearing on behalf of the petitioner and Mr. Parmanand
Prasad, learned APP for the State.

2. Petitioner seeks 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 petitioner has been made accused in the



present case, as on the basis of her confessional statement, the arms which were used in the murder of her husband, were recovered from the house of the co-accused Surdas.

4. Learned counsel appearing on behalf of the petitioner submitted that in connection with murder of the husband of the petitioner, Basopatti P.S. Case No.119/2024 was lodged and subsequent to same, the arms were recovered on the basis of confessional statement of the petitioner, who disclosed that the arms were kept in the house of co-accused Surdas and thereafter the petitioner has been made accused in the present case. He further submitted that though as a result of confessional statement of the petitioner, recovery has been made but petitioner is innocent and she has no connection either with the alleged commission of murder of her husband or any arms were recovered from her possession and petitioner was made accused due to highhandedness of the investigating officer.

5. Learned APP appearing for the State opposes the bail prayer.

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 of the petitioner, though she has confessed before the police, which resulted into



recovery of arms from the house of co-accused Surdas but as per the allegation made in the FIR, that arms were thrown in a river and recovery of the same from the house of co-accused Surdas creates doubts. Petitioner, who is a lady, is in custody since 30.06.2024. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., 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.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3



of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Sanjay/-

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