

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86613 of 2023

Arising Out of PS. Case No.-1214 Year-2022 Thana- SUPAUL District- Supaul

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Bholi Devi @ Bholni Devi wife of Kamal Mandal, Resident of Village-
Dhapariya, Police Station-Supaul (Laukaha/Laukha O.P.), District Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Supaul (Laukaha/Laukha O.P.) P.S. Case No. 1214 of 2022
registered for the offences punishable under Sections 302/34 of the
Indian Penal Code.

3. As per prosecution case, informant's daughter was
married with the co-accused Anil Mandal and she was blessed with
two daughters. It is alleged that while residing in the house of her
in-laws, the victim was being tortured by the co-accused and
others. It is alleged that petitioner is said to have illicit relation
with the co-accused Anil Mandal and on the said reason, the
informant's daughter is said to have been killed by petitioner and
others.



4. Learned counsel for the petitioner submits that petitioner being a lady having no say in the family affairs of the deceased as she is living separately alongwith her husband since long and she has no concern with the alleged occurrence. He further submits that being a lady she has been victimised in the present case. Petitioner is quite innocent and she has falsely been implicated in the present case as she is the *gotni* of the deceased. Co-accused Bimla Devi, Yogendra Mandal and Chandan Mandal @ Chandan Kumar have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 81737 of 2023 and co-accused Bipti Devi who is the mother-in-law of the deceased, has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc No. 39166 of 2023 and the case of present petitioner stands more or less on similar footing. Petitioner is in custody since 11.07.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering



with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, N.D.P.S. Supaul (S.T. No. 410 of 2023) in connection with S.T. No. 408/410 of 2023 arising out of Supaul (Laukaha/Laukha O.P.) P.S. Case No. 1214 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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