

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5331 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- SIKRAUL District- Buxar

Mamata Devi @ Mamta Devi, Female, aged about 29 years, Wife of Late Akshay Pandey @ Akshay Kumar Pandey, Resident of Village- Pandeypur, Police Station- Sikraul, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sikraul PS Case No. 35 of 2023 instituted for the offences punishable under Section 302 of the Indian Penal Code.

3. As per the prosecution case, accused person killed the husband of the informant in the backdrop of some dispute.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. He further submits that there is allegation of committing murder of husband of the informant are false and baseless and there is no any independent or eye witness of the alleged occurrence. Petitioner has got clean antecedent as stated



in para 3 of the petition and is in custody since 05.05.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and the impugned order of the learned District and Sessions Judge, Buxar dated 09.10.2023, it appears that on the basis of fardbeyan of informant Mamta Devi, the FIR has been lodged under Sections 302 of the Indian Penal Code against co-accused Saroj Yadav. It is supposed that the involvement of the accused/petitioner is specifically based on the confessional statement of the petitioner but no recovery has been made on the basis of confessional statement of accused-petitioner and petitioner is only the conspirator, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Sikraul PS Case No. 35 of 2023.

(Ramesh Chand Malviya, J)

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