

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80683 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- BELDOUR District- Khagaria

Mamta Devi, Wife of Shankar Mandal, Resident of Village- Gangapur
(Kachhari Tola) P.S.- Kishanpur Ratwara (Alamnagar), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-03-2025 Heard Mr. Rahul Singh, learned counsel for the
Petitioner and Mr. Lalan Kumar, learned APP for the State.

2. The petitioner apprehends her arrest in connection with Beldaur P.S. Case No. 212 of 2023 dated 14.08.2023 registered for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by petitioner's counsel are that the petitioner is a lady and she has been made accused mainly on the basis of suspicion, as per the FIR, the alleged occurrence of murder took place at Badi Bharna of Khagaria district whereas, the petitioner is the resident of Madhepura district and regarding the involvement of petitioner and other co-accused persons in the alleged crime, the informant



got information from cousin brother of the deceased and he only raised his suspicion against the petitioner and others as being involved in the alleged crime but in his statement recorded under Section 161 Cr.P.C., he stated that he woke up upon hearing the sound of firing when the deceased was sleeping with him and then he saw two persons in fleeing position and they succeeded to escape in darkness and from the statement of this material witness, it is clearly evident that the petitioner who is a lady was not involved in the alleged crime in any manner and she has been made accused mainly on account of suspicion raised by the witness, Budhan Mandal, material witness of the prosecution, on account of a previous dispute running in between the husband of the petitioner and the deceased that is not sufficient to implicate the petitioner in the alleged crime. It is further submitted that one co-accused namely, Suman Jaiyswal @ Suman Kumar Jaiyswal carrying similar nature of allegation, has been granted relief of anticipatory bail by this Court and to find out petitioner's location at or nearby the place of occurrence during the relevant period of time of the alleged occurrence, the police investigated the matter in the light of the tower location of the mobile phones which were found suspicious and the details got in the light of the said



investigation, do not go against this petitioner and not show her location at or nearby the place of occurrence during the relevant time of the commission of the alleged occurrence of murder.

4. Though the learned APP for the State has opposed the prayer for bail of the petitioner but fairly accepted that against this petitioner, except suspicion, there is no material or any direct evidence against her.

5. Considering the aforesaid submissions advanced by petitioner's counsel, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Beldaur P.S. Case No. 212 of 2023, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Shailendra Singh, J)

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