

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19403 of 2015

Arising Out of PS.Case No. -120 Year- 2014 Thana -DIGHA District- PATNA

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1. Rinki Devi Wife of Shobhi Mahto, Resident of Village - Sivali, Police Station - Thawe, District - Gopalganj at present Digha Nahar Chat Par, Police Station - Digha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 21.09.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner is named in the first information report but informant is not an eye witness of the alleged occurrence and entire prosecution case is based upon statement of witness Pradeep Kumar who claimed himself to be eye witness of the alleged occurrence and stated that the petitioner and one Marchiya Devi put sari around the neck of the deceased and pulled sari as a result of which deceased died but submission on behalf of the petitioner is that post mortem report negates the aforesaid story because cause of death was not Asphyxia rather viscera of the deceased was preserved for examination.

No doubt, ligature was found on the neck of the deceased but doctor did not give any opinion regarding cause of death of deceased. Moreover, in course of trial, witness Pradeep Kumar was

declared hostile by the prosecution.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Adhoc. Addl. Sessions Judge VI, Patna in Sessions trial no. 200/2015 arising out of Digha P.S. Case no. 120/2014.

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(Hemant Kumar Srivastava,J)

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