

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51727 of 2014

Arising Out of PS.Case No. -36 Year- 2014 Thana -BAHADURGANJ District- KISANGANJ

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1. Rabeha Begum @ Rabeha Wife of Muzahir Alam R/o Janigachh, P.S. Bahadurganj, District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-05-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends her arrest in connection with Bahadurganj P.S. Case No. 36 of 2014 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Allegedly, the petitioner and co-accused killed the father of the informant by assaulting with lathi.

Submission is that the informant is not the eye witness and he has come after hearing about the occurrence. In post mortem examination no external injury has been found on the body of the deceased. The deceased was an old man aged about 77 years and he died natural death and taking the advantage of his death, due to land dispute, the petitioner has been implicated.

During investigation offence under Section 302 IPC was found not to be true rather the same has been found to be true under Section 304 of the Indian Penal Code which is also based only on suspicion and, as such the petitioner deserves sympathetic consideration to which the learned APP opposes.

Considering that admittedly there is land dispute and in post mortem examination no external injury has been found on the person of the deceased and the petitioner is a lady, the petitioner above named, in case of her surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 36 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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