

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42167 of 2015

Arising Out of PS.Case No. -96 Year- 2015 Thana -HASPURA District- AURANGABAD

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1. Kanti Devi Wife of Janardan Yadav resident of village - Dihuri Tola
Mathiya, P.S. Haspura, Distt. - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 14-10-2015 Heard the learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, namely, Kanti Devi who apprehends her
arrest in Haspura P.S. Case No.96 of 2015 under Sections 302,
201 and 120(B) of the Indian Penal Code.

The learned counsel for the petitioner submitted that the
deceased was the daughter of this petitioner. She died and her
dead body was disposed of and then after about 25 days, the police
officer recorded his self-statement that the villagers informed him
that the accused persons including the petitioner killed the
deceased by pressing her neck in the night and disposed of the
body with the help of the villagers. There is no direct or indirect or
circumstantial evidence even against this petitioner except only
suspicion. According to the learned counsel, suspicion, howsoever
strong it may be, it will not take the place of proof.

On the other hand, the learned A.P.P. objected the prayer.

From perusal of the F.I.R., it appears that the self-statement has been recorded by the Sub Inspector of Police raising only suspicion against the accused persons that they have killed the deceased who is daughter of petitioner because she had love affairs with fufera brother. It appears that from the order of the Sessions Judge that some of the witnesses have also stated that she died because of illness by paragraph 27, 28, 29 and 30. Further, the petitioner is the lady and the admitted fact is that the daughter of the petitioner is dead.

Considering the above facts and circumstances of the case and that there is no direct evidence except the suspicion, I direct the petitioner named above to surrender before the court below within six weeks from today and on her so surrendering, the court below is directed to release the petitioner 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 Sri Gaurav Anand, learned J.M. Ist Class, Daudnagar, Distt.-Aurangabad in connection with Haspura P.S. Case No.96 of 2015.

(Mungeshwar Sahoo, J)

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