

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47260 of 2014

Arising Out of PS.Case No. -397 Year- 2014 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

Rampukari Devi W/o Late Chandeshwar Prasad Gupta resident of
Sikandarpur, P.S. - Muzaffarpur Town, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends arrest in Muzaffarpur
Town P.S. Case No. 397 of 2014 dated 08.06.2014 instituted
under Sections 341/323/324/498A/302/201/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
main allegation in the F.I.R. of having thrown the child leading to
her death is against the son of the petitioner (husband of the
informant). It is submitted that from the F.I.R. itself it would be



clear that the informant had trust on the petitioner and that is why she had handed over the baby to her while going to attend the call of nature and then it is alleged that her husband came and took away her child and threw her on the ground leading to her death. Learned counsel submits that the fact is that the child had somehow fallen while being in the custody of the informant and ultimately could not be saved inspite of being taken to a hospital. Learned counsel submits that in fact the son of the petitioner had come along with the uncle of the informant and both of them had taken the child to the hospital. It is submitted that due to behaviour of the informant, the son of the petitioner had filed an F.I.R. and also informatory petition and even when they were living together, the C.C.T.V. in the house was made unoperational by the informant herself about which she had bragged while talking to the uncle which has been recorded and copies of the recording have given to the court as well as the investigating agency. Learned counsel submits that there has been no injury report with regard to the allegation of hurt caused to the informant and only minor abrasions have been found on the finger. Learned counsel submits that the petitioner has no criminal antecedent and has been falsely implicated in the dispute between the husband and the wife.

Learned A.P.P. and learned counsel for the informant

oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the husband while filing the petition for divorce has alleged that he was not the father of the child and thus it was sufficient cause for him to kill the child and further even the mother was party to the torture for dowry.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon 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, Muzaffarpur in Muzaffarpur Town P.S. Case No. 397 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of her bail bonds.

(Ahsanuddin Amanullah, J)

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