

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42082 of 2015

Arising Out of PS.Case No. -153 Year- 2011 Thana -SAHKUND District- BHAGALPUR

Sanjula Devi W/o Late Pramod Kumar Singh Resident of Village Fulbariya,
P.S. Sahkund (Sajour), District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 14-12-2015 Heard learned counsel for the petitioner. No one appears for the State. However, the case diary received is on the record.

The petitioner prays for anticipatory bail in a case registered under Sections 364, 302, 201 and 34 of the Indian Penal Code.

The first information report was instituted by one Ajay Kumar Singh, the father of the deceased, Sweety Kumari, in which he had made two named persons as accused.

It is submitted by learned counsel for the petitioner that in the course of investigation also the statements of certain witnesses like Raj Kumar Das and Radhey Das have been recorded and they have supported the case of the informant.



However, it is submitted that after four years, the case has been given a different shape by the police at the instance of the accused persons and merely on account of the fact that the informant was not the real father of the deceased, rather the father of the deceased was murdered earlier and thereafter the petitioner, who is the mother of the deceased girl, had started living with the informant, who is the cousin of the father of the deceased, and on the allegation that the deceased did not like the said relationship, the petitioner and the informant have been made accused and charge sheet has been submitted against the petitioner and the informant without there being any material on the record in support of the same.

From a perusal of the case diary, particularly paragraph No.17 referred to in the order of the learned Sessions Judge, this Court finds that there is a mere reference to the fact that the deceased did not like the relationship between the informant and the petitioner. There is also a reference in paragraph No. 179 of the case diary regarding the time of death as given in the post mortem report not being in accord with the time given by the informant regarding the deceased going out for tuition.

It is further submitted by learned counsel for the petitioner that the petitioner does not have criminal antecedent.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner, Sanjula Devi, in the event of her arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each in connection with Sahkund (Sajour) P.S. Case No.153 of 2011 to the satisfaction of the Sub-divisional Judicial Magistrate, Bhagalpur, subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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