

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33196 of 2014

Arising Out of PS.Case No. -179 Year- 2010 Thana -MOTIPUR District- MUZAFFARPUR

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Rina Devi, Wife of Nageshwar Rai, R/o Village-Jhinghan, Pachhiyari Tola,
P.S.-Motipur, District-Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate

For the Opposite Party : Mr. J.N.Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 04-02-2015

This is an application, made under Section 438 Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Rina Devi, in connection with Motipur Police Station Case No. 179/2010 under Section 302/34 of the Indian Penal Code.

Perused the above application and materials on record, including a copy of the order, dated 16.05.2014, passed in A.B.P. No.497/2012, by the learned Sessions Judge, Muzaffarpur, dismissing the said application for pre-arrest bail on being withdrawn.

Heard Mr. Alok Kumar Alok, learned counsel for the petitioner, and Mr J. N. Thakur, learned Additional Public Prosecutor, appearing on behalf of the opposite party.

Considering the fact that the *post mortem* examination, which had been conducted on the dead body of the deceased, in question, revealed no external injury and although the *viscera* was preserved, no report of the chemical examination thereof, has yet been, admittedly, received, it follows that the

cause of death has not been determined.

In view of the fact that perusal of the materials on record does not reveal against the petitioner, who is sister-in-law of the said deceased, that there is any such incriminating material, which would warrant custodial detention and interrogation, this Court is of the view that the petitioner has been able to make out a case calling for appropriate direction for pre-arrest bail.

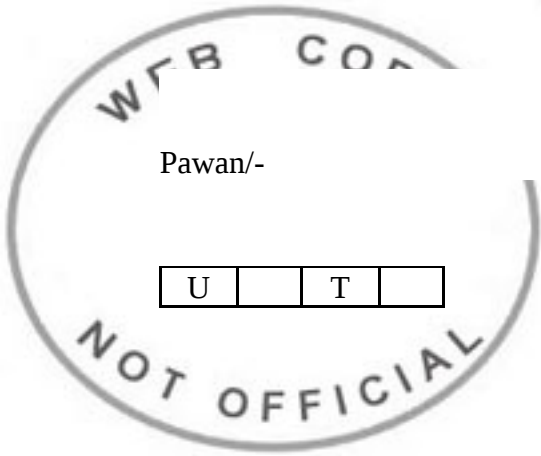
Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioner above-named shall, in the event of her arrest/surrender in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties of the like amount, subject to the satisfaction of the Officer In-Charge, Motipur Police Station. This direction for bail is further subject to the condition that the petitioner above-named shall, within two weeks from today, appear before the Officer-in-Charge, Motipur Police Station, and make herself available for interrogation by police at all reasonable time and shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

This bail application shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Motipur Police Station, District-Muzaffarpur.

Send also a copy of this order, forthwith, to the

Superintendent of Police, Muzaffarpur by fax.



Pawan/-

(I. A. Ansari, J)