

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3980 of 2016

Arising Out of PS.Case No. -395 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

=====

Kanti Devi, Wife of Bindeshwari Sah R/o village Bijbani, P O Bijbani, P.S.
Ghorasahan, District - East Champaran, Motihari.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari , APP

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 28-03-2016 Heard the learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Ghorasahan (Jitna) P.S. Case No. 395 of 2015 (G.R. Case No.
1501 of 2015) registered for the offences punishable under
Sections 302, 201 and 34 of the Indian Penal Code.

Allegedly, Urmila Devi, the sister of the informant,
was married to Munesh Shah nine years ago and out of the
wedlock, there are three children. The informant came to know
that Urmila Devi was killed by in-laws and her dead body was
also cremated. During enquiry, it reveals that the husband of
Urmila Devi came in drunken condition and started abusing

Urmila Devi and then he cut the throat of Urmila Devi with knife and others including the petitioner were assaulting her.

Submission is of false implication and that the petitioner is old mother-in-law, she has been made accused with oblique motive, there is general and omnibus allegation against the petitioner. Specific allegation is against the husband, and as such, the petitioner suffering in custody since 21.11.2015, deserves sympathetic consideration. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that with common intention, all the accused persons killed Urmila Devi and further burnt her dead body.

In the facts and circumstances stated above, considering that the petitioner is mother-in-law and against her, there is general and omnibus allegation, and as such, the petitioner, above named, is directed to 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 Sub-Divisional Judicial Magistrate, Sikrahna, East Champaran, Motihari in connection with Ghorasahan (Jitna) P.S. Case No.

395 of 2015(G.R. Case No. 1501 of 2015), subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

ajaypd./-

U		T	
---	--	---	--