

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49690 of 2015

Arising Out of PS.Case No. -12 Year- 2013 Thana -ROSHANGAANJ District- GAYA

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1. Mamta Devi Wife of Late Sanjay Mushahar, Resident of Village-Pratap,
P.S.-Barachatti, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur

For the Opposite Party/s : Mr. Anil Kr.Singh 1(App)

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

3 22-02-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 504, 307 and 302/34 of the I.P.C

The allegation against the petitioner is that she
assaulted her husband Sanjay Mushahar with sleeper and called
her brother Wakil Mushahar and directed him to kill Sanjay
Mushahar and thereafter Wakil Mushahar and others assaulted
him resulting Sanjay Mushahar became seriously injured and he
was brought to private hospital at Karmauni Bazar and was
referred for better treatment at Gaya but in the way he died.

Submission is of false implication and that there is no
eye witness of the occurrence, all the witnesses are hear-say, at

best the petitioner is the order giver, she has assaulted only with the sleeper, other co-accused Chhila Devi has already been allowed bail vide Cr. Misc. No. 51825 of 2014, the petitioner is the wife of the deceased and it is not expected that the wife will kill her husband, the husband of the petitioner might have sustained injury due to fall from the tree when he was cutting the wood, but Upendra Mushahar with oblique motive gave wrong information to others giving rise to this false case.

The learned A.P.P. opposes prayer for bail by submitting that during postmortem internal injuries have been found and the cause of death is due to head and abdominal injuries and the complications thereof.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-IIInd, Gaya in S.T. No. 144 of 2014/ 184 of 2013 arising out of Roshanganj (Bankey Bazar) P.S. Case No. 12 of 2013, 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 his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

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