

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39079 of 2016

Arising Out of PS.Case No. -236 Year- 2014 Thana -SALKHUA District- SAHARSA

Makhi Devi @ Mukhi Devi, wife of Rajendra Yadav, resident of Village Utesra P.S. Salkhua, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Paras Nath

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

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 21-09-2016 Heard Sri Paras Nath, learned counsel for the petitioner and Mr. Md. Ashlam Ansari, learned Addl. Public Prosecutor.

The sole petitioner, who has been named as an accused on suspicion in Salkhua P.S. Case No.236/2014 registered for the offence under Sections 302/201/34 of the Indian Penal Code, has prayed for grant of bail, in the event of her arrest or surrender.

By way of referring to F.I.R., learned counsel for the petitioner submits that only on suspicion it was alleged that the husband of the petitioner was instrumental in the death of son of the informant. The allegation against the petitioner is that she along with her husband and all other family members had left the

house. This was the reason for raising suspicion against the petitioner, otherwise, there is no other material to connect the petitioner. He further submits that without any material, the husband of the petitioner was arrested, chargesheet was submitted and further investigation is still going on, whereas till date no cogent material has been collected against the petitioner.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of bail. However, he was not in a position to corroborate as to whether there was any direct allegation against the petitioner save and except suspicion, which has been alleged in the F.I.R.

In view of the facts and circumstances, particularly the fact that the petitioner has been made accused only on suspicion as well as the fact that she is a lady, in the event of arrest or surrender within six weeks from today, let the petitioner, namely, Makhi Devi @ Mukhi Devi 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 learned Sub Judge-III, Saharsa in connection with Salkhua P.S. Case No.236/2014, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

It is made clear that if during further investigation

sufficient material is collected showing involvement of the petitioner and the petitioner is forwarded as accused and chargesheeted , in that event her bail bond in the present case shall stand automatically cancelled and she will have to appear before the court below and make a prayer for regular bail.

(Rakesh Kumar, J)

NKS/-

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