

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4327 of 2016

Arising Out of PS.Case No. -168 Year- 2015 Thana -GAMAHARIYA District- MADHEPURA

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Kanchan Devi Wife of Dinesh Ram Resident of village - Khadh, P.S. Gamharia,
District - Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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

ORAL ORDER

3 28-03-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Gamharia
P.S. Case No. 168 of 2015 registered for the offence punishable
under Section 302 of the Indian Penal Code.

Allegedly, the petitioner took away her minor daughter
and it was learnt that the petitioner killed her daughter by
drowning her in canal.

Submission is of false implication and that there is no
eye witness of the occurrence to say that the petitioner killed her
daughter by drowning her in the canal, the witnesses examined are
hearsay whereas, some of the eye witnesses namely, Meera Devi,
Runa Devi and Rita Devi have stated that daughter of the
petitioner slipped and fell into the canal when she was playing at
the bank of the canal, resulting she died, the learned counsel has
referred para 24, 25 and 26 of the case diary and, as such, the

petitioner who is pregnant, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner without consent of her husband went away from her in-laws house with daughter and thereafter she threw her daughter in canal resulting she died.

In the facts and circumstances stated above, considering that some of the witnesses have not supported the prosecution version, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 C.J.M., Madhepura in connection with Gamharia P.S. Case No. 168 of 2015 subject to the conditions that one of the bailors must be 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)

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