

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10089 of 2016

Arising Out of PS.Case No. -455 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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1. Kiran Devi @ Rita Devi wife of Ram Swaroop Mandal resident of
Nathlok Bagicha, P.S. Kahalgaon, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
Mr. Mihir Nandan Ambasta, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit , APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, who is the mother-in-law of the
deceased, apprehends her arrest in connection with Kahalgaon
P. S. Case No. 455 of 2015 for offences alleged under Sections
302, 201 and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that the informant had married his daughter Nabinta Kumari
with Boudhi Mandal on 05.06.2015. On 27/28.10.2015, the
daughter of the informant had talked with her mother on mobile
at 8.00 P.M. and on the same day at 11.00 P.M. the husband of
the daughter of the informant told on mobile that Nabinta is ill.
The informant along with some villagers reached there on next

morning and saw that the house was locked and nobody was present there. Even the cattles were not there. On query from the neighbours, they did not disclose anything. It is alleged that the accused persons killed the daughter of the informant and hidden her dead body and fled away.

It has been submitted by the learned counsel for the petitioner that there is no specific allegation that the deceased, Nabinta Kumari, the daughter of the informant, was ever tortured by the petitioner. He further submits that even the witnesses have not supported the allegation of torture or assault on the deceased by this petitioner. There is a general and omnibus allegation against her and the F.I.R. has been lodged after some delay as the informant after coming to the village of the deceased in the next morning of the occurrence lodged the F.I.R. at 5.30 P.M. He further submits that the allegation of killing the deceased is upon the husband of the deceased Boudhi Mandal, who has already surrendered before the court below on 24.11.2015 and since then he is in custody. He further submits that the informant is said to be a hearsay witness and not an eye-witness.

However, the learned APP for the State submits that the petitioner is named in the F.I.R. and the witnesses have

stated that the deceased’s husband had a quarrel with her, hence, opposes the prayer of bail.

Be that as it may, since the husband of the deceased has already been arrested and no specific allegation is made against the petitioner, let the petitioner, above named, in the event of her arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 455 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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