

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20630 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -NANHPUR District- SITAMARHI

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Shobha Devi wife of Upendra Rai R/o Village Bari Sater, P.S.- Nanpur,
District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha , APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 26-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Nanpur P. S. Case No. 07 of 2016 registered under Sections 304-B
and 201/34 of the Indian Penal Code.

It is contended by learned counsel for the petitioner that
the petitioner, being mother-in-law of the deceased has been
falsely implicated in the present case as would be evident from the
fact that the accused persons are co-villagers of the informant and
according to the FIR itself, the informant got information
regarding the killing of his daughter on 24th December, 2015, but
the written report was filed on 6th January, 2016.

Learned counsel for the State has submitted that the death had taken place on 23rd December, 2015 and the matter came to knowledge of the informant on 24th December, 2015 but for some reason, the FIR could not be instituted in time. He has submitted that simply because there is delay in institution of the FIR, the prosecution case cannot be disbelieved.

Be that as it may, regard being had to undue and unexplained delay caused in filing the FIR, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in Nanpur P.S. Case No. 07 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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