

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30701 of 2016

Arising Out of PS.Case No. -279 Year- 2016 Thana -KANKARBAGH District- PATNA

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1. Shalini W/o Late Chintu Kumar @ Indrajeet Kumar resident of Village-
Mustafapur, P.S. -Fatuha, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Opposite Party/s Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 10.08.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State and also heard learned counsel
for the informant.

Petitioner seeks bail in a case registered under sections 302,
120B/34 of the Indian Penal Code.

Petitioner happens to be wife of the deceased and there was
some matrimonial dispute between the petitioner and deceased. Prior
to institution of the present case, petitioner had lodged Kankarbagh
P.S. Case no. 22/2016 against the deceased and his other family
members for the offences punishable under sections 498A, 323,
379/34 of the Indian Penal Code and 3/ 4 of the D.P. Act.

It is alleged that the aforesaid case was compromised
between the parties and pursuant to the aforesaid compromise,
deceased went to the house of the petitioner where his dead body was
found on the alleged date of occurrence.

Submission on behalf of the petitioner is that deceased committed suicide due to his frustration and police after due investigation filed charge sheet against the petitioner under section 306 of the Indian Penal Code.

On the other hand, learned counsel appearing for the informant submits that in course of investigation, several witnesses stated that it was the petitioner who committed the murder of deceased. The impugned order goes to show that in post mortem examination, doctor opined that cause of death was asphyxia resulting from anti-mortem compression of neck consequent upon hanging and the aforesaid finding of the doctor, prima facie, supports the contention of learned counsel for the petitioner.

However, investigation against the petitioner has already been completed and detention of the petitioner in jail custody is not required by prosecution agency in course of trial.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Miss. Smita Raj, Judicial Magistrate, Ist Class, Patna in Kankarbagh P.S. Case no. 279/2016.

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(Hemant Kumar Srivastava,J)

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