

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49856 of 2017

Arising Out of PS.Case No. -161 Year- 2013 Thana -PAROO District- MUZAFFARPUR

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1. Asha Devi W/o Samdeo Bhagat @ Shyamdeo Bhagat, resident of
Village- Daudpur, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE NILU AGRAWAL
ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
03.04.2017 in connection with S.T. No. 533/17, arising out of
Paroo P.S. Case No. 161/2013 for offences punishable under
Section 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her neighbour Amar Nath Bhagat informed her that her niece
Sangita Kumari has been killed by her step-mother (petitioner) and
when she came to the house of her niece, she found the door of the
house bolted from outside and on breaking the lock she found her
niece dead lying on the mat.

It has been submitted by the learned counsel for the



petitioner that she is innocent, is a lady having one year old child in the lap, has not committed any offence and has surrendered before the police. He submits that there is no eye-witness to the alleged occurrence and on earlier occasion bail was rejected on 08.09.2017 in Cr. Misc. No. 29276 of 2017 with liberty to renew the prayer after framing of charge. He further submits that charge has already been framed on 18.09.2017.

However, learned APP for the State opposes the prayer for bail stating therein that viscera report on examination found sign of sulfas in the body of the deceased, which is a highly poisonous substance. He further submits that the house was bolted from outside, which also creates doubt against the petitioner, who is the step-mother of the deceased Sangita Kumari.

Considering the facts and circumstances and the materials on record, since the trial has already begun and petitioner being a lady having one year old child in her lap, let petitioner, above named, be enlarged 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 6th Addl. Sessions Judge, Muzaffarpur, in connection with S.T. No. 533/17, arising out of Paroo P.S. Case No. 161/2013, subject to the following conditions :



- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of her bail bonds.

(Nilu Agrawal, J)

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