

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35332 of 2017

Arising Out of PS.Case No. -156 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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1. Devi Ji @ Devi, Wife of Late Chandeshwar Prasad, resident of Village-
Laxamanpur, P.S. Bakhtiyarpur, District- Patna (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 17-08-2017

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Bkhriyarpur P.S. Case No. 156 of 2015, disclosing offence under Sections 498A, 323,341,504/34 of the Indian Penal Code and Sections 3 of the Dowry Prohibition Act.

Petitioner is the mother-in-law of the deceased.

Learned counsel appearing on behalf of the petitioner has drawn my attention to the fardbeyan of the deceased recorded by the Sub-Inspector of Police on 09.06.2015. He submits that the case of the prosecution on the face of it appears to be highly improbable and false. He contends that on the one hand, the informant being illiterate, her left hand thumb impression had been taken on her fardbeyan as recorded by the Sub-Inspector of Police, whereas in the First Information Report, she has given the



vivid description of the amount of poison (250 Ml), which she was forcibly made to consume.

I find sum and substance in the submission made on behalf of the petitioner. In my view, though tentative, it could not have been possible for a victim who was forcibly made to consume poison to describe so vividly the amount of poison she was made to consume.

Considering the nature of accusation and submissions advanced on behalf of the petitioner, this application is allowed.

Let the petitioner above named in the event of her arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Barh, in Baakhtiyarpur P.S. case No. 156 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the Police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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