

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35663 of 2017**

Arising Out of PS.Case No. -246 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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Munil Sah, son of Tolki Sah @ Shaligram Sah, R/o Village- Bari  
Makanpur, P.S.- Gopalpur, District- Bhagalpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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with

**Criminal Miscellaneous No.24123 of 2017**

Arising Out of PS.Case No. -246 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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MIRA DEVI @ NIRA DEVI W/o Tolki Sah @ Shaligram Sah, Resident of  
Village- Bari Makandpur, P.S.- Gopalpur, District- Bhagalpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

(In Cr.Misc. No.35663 of 2017)

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Jitendra Kumar Singh

(In Cr.Misc. No.24123 of 2017)

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      13-09-2017                      Since both the cases arise out of same P.S.Case number,  
  
they have been heard together and are being disposed of by this  
  
common order.

Heard learned counsel for the petitioners in both the  
  
cases.

Both applications have been filed for grant of bail in



connection with Gopalpur P.S. Case No. 246 of 2016 registered for the offences punishable under Sections 328, 302 and 120B/34 of the Indian Penal Code.

Allegation against petitioner Munil Sah is that he has taken a loan of Rs.3,30,000/- from the husband of informant and when he demanded the said amount petitioner along with petitioner Mira Devi administered poison to him and FSL report shows presence of poisonous substance in his body.

Submission of learned counsel for the petitioners is that there is no eye-witness to the occurrence and, as a matter of fact, the deceased committed suicide by taking poison. Further submission is that there is no allegation against petitioner Mira Devi, who is lady, and she is made accused on the basis of confession and they are in custody since 6.5.2017 and 17.12.2016 respectively.

Heard learned APP also, who has opposed the prayer for bail of the petitioners.

Having heard both sides and in view of facts and circumstances, let petitioner, Mira Devi @ Nira Devi, who is a lady, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial



Magistrate-I, Naugachia, District Bhagalpur, in connection with  
Gopalpur P.S. Case No. 246 of 2016, subject to the following  
conditions :-

- (1) One of the bailors shall be a local person  
having sufficient immoveable properties  
within the jurisdiction of the court  
concerned,
- (2) Petitioner will co-operate in trial and  
appear in court on each and every date  
fixed in the case and on failure to appear  
without any genuine ground or without  
permission of court, her bail bond shall be  
cancelled.

So far prayer for bail of petitioner Munil Sah is  
concerned, in the facts and circumstances, I am not inclined to  
grant him on bail. His prayer for bail is rejected.

**(Vinod Kumar Sinha, J)**

spal/-

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