

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36282 of 2017

Arising Out of PS.Case No. -321 Year- 2017 Thana -PIRBAHOR District- PATNA

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Nitu Devi @ Neetu Devi, Wife of Manoj Yadav, R/o Mohalla- Makhaniya
Kuan, Chai Tola, P.S.- Pirbahore, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 01-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Pirbahore P.S.
Case No. 321 of 2017 for offences punishable under Sections 147,
149, 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that due to construction of the house there was some enmity with
one Lallu Yadav and some altercation took place two years back.
Thereafter for parking of scooty again altercation took place
between the petitioner and others who nine in numbers named in
the F.I.R. dragged the son of the informant, Bablu Kumar inside
their house and thereafter he was killed.

It has been submitted by the learned counsel for the



petitioner that she is daughter-in-law of Lallu Yadav and she had no concern with the said enmity. He submits that the petitioner has no criminal antecedent and being the daughter-in-law general and omnibus allegations have been levelled. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and is languishing in judicial custody since 22.06.2017. It is further submitted that the postmortem report of the deceased does not specify any external or internal injury and even the F.S.L. report which has been called for by this Court has been received, bears no sign of poisoning. He further submits that one of the co-accused Saurabh Kumar has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 48660 of 2017 on 18.10.2017.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the informant's son Bablu Kumar was dragged inside the house of co-accused Lallu Yadav and thereafter in presence of all the family members he was killed and that all the witnesses have supported the prosecution story.

Considering the facts and circumstances and the materials on record and that since the petitioner is a lady and there



is no eye witness to the alleged occurrence and it is only on the basis of suspicion that she has been made accused, 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 Chief Judicial Magistrate, Patna, in connection with Pirbahore P.S. Case No. 321 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner.
- (2) 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.

The F.S.L. report received from the Director, Forensic Science Laboratory, Bihar, Patna be returned to the learned court below under sealed cover.

(Nilu Agrawal, J)

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