

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29276 of 2017

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

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Aasha Devi W/o Shyamdeo Bhagat Resident of Village - Daudpur, P.S. -
Paroo, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad, Adv.
Mr. Raju Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastriji, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 08-09-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since
03.04.2017 in connection with Paroo P.S. Case No. 161/2013 for
the offence punishable under Section 302 of the Indian Penal
Code.

The prosecution case, as lodged by the informant is that
she received information from her neighbour Amar Nath Bhagat
that her niece Sangita Kumari has been killed by her step mother,
the petitioner. On such information, she went to the place of
occurrence and found the door of the house locked which was
broken and the deceased was found lying dead on a mat. The
petitioner and other accused persons were found absconding.

It has been submitted by the learned counsel for the



petitioner that she is innocent and no such act has been committed by her. It is further submitted that the petitioner is a lady having one year child on her lap and has surrendered before the police. He submits that there is no eye-witness of the alleged occurrence and the petitioner being the step mother has been falsely implicated. The charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. opposes the prayer for bail stating therein that the Viscera of the deceased girl aged about 15 years has been preserved and sent for forensic examination. The report of which has come and it was found that she had consumed Sulphas which is highly poisonous substance. He further submits that the deceased instead of being taken to the hospital was bolted from outside which creates doubt and as such, the allegations are true against the petitioner.

Considering the facts and circumstances and the material available on record, I am not inclined to grant privilege of bail to the petitioner at this stage.

Petitioner may renew her prayer for bail after framing of the charge.

(Nilu Agrawal, J)

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