

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40920 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -AKHODHIGOLA District- SASARAM
(ROHTAS)

=====

1. Nilam Devi W/o Dharmendra Ram, R/o Village- Bagen, P.S.- Akorigola,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 21-12-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Akhorigola
P.S. Case No. 01/2017 dated 01.01.2017 instituted for the offences
under Sections 328 and 302 of the Indian Penal Code.

The petitioner is the wife of the full brother of the
informant. It has been alleged in the F.I.R. that when the informant
came back home from his sister's house, he found his son dead.
The post-mortem examination of the deceased did not reveal
anything. The viscera was preserved and sent for forensic
examination. The viscera report indicates that the death was
because of administration of Furadon, which is a pesticide and is
commonly used for killing pests and domestic insects.

Learned counsel for the petitioner has submitted that



apart from the vague suspicion that the petitioner who stayed in the same house had poisoned his son, there is no other material in the entire investigation papers to connect her with the crime. Learned counsel for the petitioner has also submitted that killing the deceased would not have fetched any benefit to the petitioner as the property of the informant would never have gone to the share of either the petitioner or her husband. He further submits that because of the pending land dispute between the parties, the petitioner has been named deliberately.

Considering the facts that the case is based merely on suspicion and there is no cogent evidence to connect the petitioner with the crime, who is in custody since 09.06.2017, this Court is inclined to grant bail to her.

The petitioner above named is directed to be released on bail on her furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Dehri in connection with Akhorigola P.S. Case No. 01/2017.

(Ashutosh Kumar, J.)

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