

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40835 of 2018

Arising Out of PS. Case No.-226 Year-2016 Thana- DELHA District- Gaya

Supriya Roy @ Supriti Roy, Wife of Late Surendra Lal @ Surendra Yadav,
Resident of Village- Naili, Police Station- M.M.C.H. District- Gaya at present
R/o Mohalla- Kalyanpur, P.S.- Delha, District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Adv.
	:	Mr. Shailesh Kumar, Adv.
For the Other Side	:	Mr. Kunal Tiwary, Adv.
For the Opposite Party	:	Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 31-08-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Delha P.S. Case No. 226 of 2016 registered for
the offences punishable under Sections 302 of the Indian Penal
Code and 27 of the Arms Act.

The Informant is the petitioner, who is mother of
deceased and she has alleged in her FIR that while she was in
her school her son called her and disclosed that he was not
feeling well thereafter petitioner came to her house at 3:30 P.M.
and found the dead body of her son lying on the bed. Petitioner
with the help of others brought her son to the hospital where he
was declared as dead.

Petitioner who is the mother of deceased has been



accused of killing of her son, as during investigation many incriminating materials has come showing involvement of petitioner in murder of her son. Petitioner and one another co-accused have been implicated in this case. During investigation strong suspicion has been raised against both in conspiring and killing the deceased. It has been alleged that the petitioner had illicit relation with co-accused Naresh Yadav which was objected by the deceased and in order to eliminate him both conspire and kill the deceased so that their illicit relation may continue without any objection or disturbance. There is no material against the petitioner except suspicion of her carrying illicit relation with co-accused Naresh Yadav but their appears to be no reason for the petitioner of killing her son which even otherwise appears to be un-natural. A mother will not kill his only son when she is giving best education as he was studying in Delhi and had returned home during Holidays. It has been submitted that Naresh Yadav co-accused has been granted regular bail by co-ordinate Bench of this court in Cr. Misc. No. 22267 of 2017 vide order dated 17.05.2017.

The grant of bail is vehemently opposed by the counsel appearing who claims to be relative of the deceased and was interested in his welfare and well-being.



Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon 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, Gaya in connection with Delha P.S. Case No. 226 of 2016, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason trial court shall have liberty to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/manoj

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