

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49340 of 2018

Arising Out of PS.Case No. -166 Year- 2013 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Shanti Devi, Wife of Bachchu Mahto, Resident of Village- Bahorakha,
Police Station- Vaishali, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

3 11-09-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Informant who happens to be husband of the deceased
and is a daily earner, while was engaged in menial work been
informed by his daughter, Sabita Kumari, aged about 8 years, that
Bachchu Mahto, wife of Bachchu Mahto, Rajendra Mahto and
Deepak Mahto are assaulting her mummy whereupon, he rushed
and came at the place of Bachchu Mahto where he found his wife
lying over the ground and on query she disclosed that Bachchu
Mahto, wife of Bachchu Mahto, Rajendra Mahto and Deepak
Mahto had assaulted her with *Lathi* and *Danda*. Thereafter, she
was shifted to hospital and was declared dead.

From perusal of the case diary, it is evident that during



course of conduction of postmortem, no definite opinion could be traced out, whereupon, viscera were sent for forensic examination and there too, the cause of death has not been disclosed. Lastly the doctor, who conducted postmortem, had opined death due to disease following multi-system failure. Although, charge-sheet has been submitted under Section 304 IPC but absence of ante-mortem injuries over the person of the deceased does not conform whereupon, petitioner Shanti Devi is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali in connection with Vaishali (Belsar) P.S. Case No. 166 of 2013.

(Aditya Kumar Trivedi, J)

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