

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47161 of 2018

Arising Out of PS. Case No.-82 Year-2018 Thana- KESARIA District- East Champaran

=====

Moriyam Khatoon Wife of Sanjool Miya@ Sanjoor Miya@ Mansoor Alam
Resident of Village- Kushahar, Police Station- Kesariya, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 30-10-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of her arrest in connection with Kesariya P.S. Case No. 82 of 2018 dated 25.03.2018 instituted for the offences under Sections 341, 342, 323, 307, 452, 324, 328, 302 and 34 of the Indian Penal Code.

The brother of the deceased has alleged that all the accused persons including the petitioner chased the deceased and thereafter assaulted him badly. In order to save himself, the deceased entered the house of the informant but the accused persons forcibly administered poison to him. When his condition became serious, all the accused persons gagged the mouth of the deceased and threw him in front of the house.



Learned counsel for the petitioner has submitted that an absolutely false case has been lodged by the informant against many persons including the petitioner. In fact, the deceased had picked up the habit of entering the household of ladies and making attempts at molesting them.

The falsity of the allegation, it has been argued, is writ large from the facts that the dead body was found in the house of the informant and that in the post-mortem, no anti-mortem injuries were found on the person of the deceased.

Because of the allegation of administering of poison to the deceased, a Bench of this Court had earlier called for the viscera report. The viscera report has been received in sealed cover. The same has been opened in Court.

The viscera report reveals that no metallic, alkaloidal, glycycolal, pesticidal or volatile poison could be detected in the dark brown fluid sent for examination.

The viscera report is re-sealed in the Court.

Let the viscera report be returned to the Court of learned A.C.J.M.-11, East Champaran at Motihari.

In the aforesaid circumstances, I am inclined to grant anticipatory bail to the petitioner. While saying so, I have also taken into account the fact that the



petitioner does not have any criminal antecedents and she is a lady.

Taking into account the aforesaid facts and circumstances, the petitioner above-named is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, XI, East Champaran at Motihari in connection with Kesariya P.S. Case No. 82 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

