

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22987 of 2019

Arising Out of PS. Case No.-380 Year-2018 Thana- HUSSAINGANJ District- Siwan

USHA DEVI, Female, aged 32 years, Wife of Harikesh Kumari Sah @
Harikesh Sah Resident of Village - Ziradei, P.S.- Ziradei, distt.- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Prashant Kumar, Advocate

For the Opposite Party : Mr.Raj Ballabh Singh, Addl Public Prosecutor

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

The petitioner seeks bail in connection with
Hussainganj Police Station Case No. 380 of 2018 for the offence
alleged under Sections 302, 201/34 of the Indian Penal Code.

The prosecution, as lodged by the informant is that
her brother Mukesh Kumar Sah along with his sister-in-law
(Sali) Punam Kumari has killed his mother and concealed it in a
Chawar.

It has been submitted by learned counsel for the
petitioner that she is innocent, not named in the FIR and has
been falsely implicated in the aforesaid case. He further submits
that on the mistaken fact the petitioner has been made accused
which has been retracted by the informant in her settlement
petition before the Chief Judicial Magistrate, Siwan contained in



Annexure 2. He submits that the informant and the petitioner are own sisters and it is the mother of the petitioner and the informant, who has been killed. He submits that the petitioner was in her Sasural on the date of occurrence and has been made accused only on suspicion. It is further submitted that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and that the petitioner has not been made accused in the FIR and the allegation has been made only on suspicion, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Hussainganj Police Station Case No. 380 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Siwan, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

Petitioner will appear before the learned court below



during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of her bail bonds.

(Nilu Agrawal, J)

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