

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30010 of 2019

Arising Out of PS. Case No.-186 Year-2019 Thana- DANAPUR District- Patna

Sudha Varghese D/o Late Varghese, Resident of Prerna Chhatrawas, Nari Gunjan, Lalkothi, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 01-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 302/34 of the Indian Penal Code registered in connection with Danapur P.S. Case No. 186 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely on suspicion, except which there is no objective material to connect the petitioner with the alleged occurrence. The petitioner is an aged Nun of about 75 years running Prerna Chhatrawas on the request of the Welfare Department, Government of Bihar since the year 2006. The deceased daughter of the informant has been residing at the said Chhatrawas since past three years and upon being taken ill on 04.03.2019 she was taken for treatment at Sub-divisional Hospital, Danapur, but when her condition did not improve she was referred the next day to IGIMS/PMCH. Considering her serious condition while taking her to PMCH from Danapur, check-up was made en-route at Kurji Holy Family Hospital, where however, she was declared dead. It is submitted that the



petitioner is a Padmashree awardee and a renowned social activist having expertise in uplifting downtrodden section of the society. The petitioner claims clean antecedents.

4. Pursuant to order dated 07.05.2019 the viscera report has been received from the Director, Forensic Science Laboratory, Patna in sealed cover, which was opened by the Court Master in the Court during the hearing of the anticipatory bail petition. The same discloses as follows --

"1. No Metallic, alkaloidal, Glycosidal, Pesticidal or volatile poison could be detected in the content of glass jar (marked-A) as described above.

2. Report on exhibit marked 'B' will be furnished by biology division."

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna, in connection with Danapur P.S. Case No. 186 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner.

ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner shall be well represented in Court on each and



every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

6. Let the Registry re-seal the viscera report and return the same to the Director, Forensic Science Laboratory, Patna. The Senior Superintendent of Police, Patna and the Investigating Officer of the case shall ensure that a copy of the viscera report is submitted in the court concerned without delay.

7. Let the Registry communicate a copy of this order to the Senior Superintendent of Police, Patna.

(Vikash Jain, J)

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