

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60885 of 2018**

Arising Out of PS. Case No.-30 Year-2018 Thana- MOUZAHDIPUR District- Bhagalpur

Soni, Wife of Md. Gayas, Resident of village- Hussainpur, Police Station-
Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

5 14-03-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 18.06.2018 in connection with Mojahidpur P.S. Case No.30 of 2018 registered for the offence under Sections 328, 302, 120B, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation of giving *Laddu* as alleged in the FIR is entirely false and fabricated and during the course of investigation, it has come on record that there was some dispute with regard to the payment of money of a committee, in which the petitioner was also one of the members and the deceased had taken money which was not being returned by her. Such a situation had created differences between not only the members of the



committee but also the husband and wife, as a result thereof the husband had reprimanded the deceased for entering into such a situation and had also allegedly inflicted slaps on her. It is submitted by the learned counsel for the petitioner that it is on account of such action by her husband, that in a fit of rage the deceased lady had committed suicide and the petitioner has been falsely implicated in connection with the present case. He thus submits that the petitioner, who is languishing in jail since 18.06.2018, may be extended the privilege of bail.

Diary in the present case was called for earlier, which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that there appears to be semblance of truth in the submissions as advanced by the petitioner in view of the statements made by the some of the witnesses in paragraphs 50, 51 and 52 of the case diary. The FSL report, which has come, does indicate that the deceased had taken *sulphas*, but in view of the material which has surfaced from the case diary, it cannot be said that it was the petitioner who, in fact, had made to consume *Laddu* as alleged in the F.I.R.

Having considered the entire facts and circumstances



of the case and the materials which have surfaced in the case diary, let the petitioner, above named, be released on bail on her furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with Mojahidpur P.S. Case No.30 of 2018.

Let the FSL report be returned to the concerned court in sealed cover.

(Anjana Mishra, J)

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