

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79101 of 2018

Arising Out of PS. Case No.-253 Year-2018 Thana- KORHA District- Katihar

1. Kala Devi, W/o Late Upendra Sah
2. Jitan Sah @ Jitendra Sah, S/o Late Upendra Sah, Both are resident of Village- Mirzapur, P.S. - Korha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Sri Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 01-05-2019 Learned counsel for the petitioners submits that application with respect to petitioner no. 2, Jitan Sah @ Jitendra Sah was dismissed as withdrawn vide order dated 10.01.2019.

Heard learned counsel for the petitioner no.1 and the learned A.P.P. for the State.

The petitioner no. 1 apprehends his arrest in connection with Korha P.S. Case No. 253 of 2018, registered under Sections 302 and 328/34 of the Indian Penal Code.

The accusation is that informant, Most. Bijili Devi, received information on mobile on 07.07.2018 to the effect that her son, Birendra Sah, died at his Sasural due to consuming poison. Thereafter, informant along with other family members



reached at village Mirjapur, Sasural of her son, then found that the dead body of her son was lying behind the house. On query, she came to know that Upendra Sah, Jitan Sah @ Jitendra Sah (petitioner no.2), Kala Devi (petitioner no.1) and Rubi Devi, respectively, father-in-law, brother-in-law, mother-in-law and wife of the deceased, Birendra Sah forcibly administered poison due to that reason her son, Birendra Sah died. The marriage of her son, Birendra Sah was performed with Rubi Devi before five years but Rubi Devi did not use to reside at her Sasural due to that reason, her son Birendra Sah had gone to his Sasural to take his wife but his wife, Rubi Devi was not ready.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 is an old lady and being mother of co-accused Rubi Devi, she has falsely been implicated in this case. Further submission is that there is general and omnibus allegation against the petitioner and others to administered poison but after investigation, the police submitted charge sheet against the petitioner no.1 under Section 306 of the Indian Penal Code. Moreover, Rubi Devi, wife of the deceased is in custody.

Having regard to the facts and circumstances of the case, let the above named petitioner no.1 be released on bail, in the event of her arrest or surrender before the learned Court



below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in connection with Korha P.S. Case No. 253 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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