

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63862 of 2019**

Arising Out of PS. Case No.-107 Year-2017 Thana- MADHEPUR District- Madhubani

SUMITRA DEVI W/o Chandeshwar Chaupal Resident of Village-Matras  
Punarwas, P.S.-Madhepur, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      24-10-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 304(B) and 201/34 of the Indian Penal Code, registered in connection with Madhepur P.S.Case No.107 of 2017 (Sessions Trial No.101 of 2018).

3. It is submitted that the petitioner has been falsely implicated merely because she happens to be mother-in-law of the deceased. It is submitted that after due investigation the petitioner was not sent up for trial in absence of any material against her which was accepted at the time of taking cognizance. The petitioner has been summoned in course of trial under Section 319 Cr. P.C. on the basis of entry in the case diary and not on the basis of evidence led in course of trial as is



evident from the deposition of the witnesses such as PWs 1 to 4, who have stated nothing against the petitioner. It is, therefore, submitted that summoning of the petitioner under Section 319 Cr. P.C. is contrary to law. The petitioner is a lady claiming clean antecedents.

4.Learned APP appears and has been heard.

5. Be that as it may, in the event of petitioner's arrest or surrender before 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 the like amount each to the satisfaction of learned Additional Sessions Judge, Jhanjharpur in connection with S.Tr. No. 101 of 2018, arising out of Madhepur P.S. Case No. 107 of 2017, 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) That the petitioner shall be well represented in court on on each and every date during trial, except as and when directed by the learned court below to be physically present 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.

**(Vikash Jain, J)**

HR/-

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