

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70750 of 2018

Arising Out of PS. Case No.-33 Year-2018 Thana- ISMAILPUR District- Bhagalpur

Rambha Devi, wife of Sri Bedanand Jha, resident of Village and P.O. Tetari,
P.S. Naugachhia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Ms. Babita Kumari
For the Opposite Party/s	:	Mr.Sri Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 01-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 364, 365/34 of the Indian Penal Code registered in connection with Ismailpur P.S. Case No. 33 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because she happens to be the mother-in-law of the deceased son of the informant. It is submitted that except suspicion, there is no objective material whatsoever to connect her to the alleged occurrence, nor to show that the deceased had even reached the village Tetari around the date of occurrence on 29.07.2018 as evident from the CDR for the period 28.07.2018



to 09.08.2018. The post mortem report of the unidentified body claimed by the prosecution party to be that of the informant's son does not bear any injury marks and is shown to be of 40 years of age which does not corroborate the age of the informant's son said to be 34 years old.

4. Learned APP assisted by learned counsel for the informant appearing suo motu have been heard. It is, however, stated that DNA test report relating to the recovered body is awaited. Learned APP refers to para 129 of the case diary containing post mortem report which does not disclose any injury on the body of the deceased who is said to have died of cardiac respiratory failure.

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 provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Naugachhia, District Bhagalpur, in connection with Ismailpur P.S. Case No. 33 of 2018, 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 cooperate 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 remain physically present 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. The provisional bail shall be confirmed upon receipt of the DNA test report showing that the body recovered is not of the informant's son. If the DNA test report identifies the body as that of the deceased's son, the provisional bail shall stand cancelled.

(Vikash Jain, J)

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