

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8459 of 2020

Arising Out of PS Case No.-320 Year-2014 Thana- ARA NAGAR District- Bhojpur

Babita Devi @ Basmati Devi, aged about 51 years, female, Wife of Lal Bahadur Yadav, Resident of Mohalla - Rauza, P.S.- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. H N Harshid, Advocate
For the State	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 18-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. H N Harshit, learned counsel for the petitioner and Mr. Jagdhar Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Ara Nagar PS Case No. 320 of 2014 dated 22.08.2014 instituted under Sections 302, 328, 201/34 of the Indian Penal Code.

4. The allegation against the petitioner and her husband is that they had poisoned their own daughter and her two minor sons.

5. Learned counsel for the petitioner submitted that the allegation is false and has been levelled by the son-in-law i.e., the husband of the daughter, with ulterior motive. It was submitted



that it cannot be believed that a mother would poison her own daughter and her two minor sons. Learned counsel submitted that except for the suspicion raised in the FIR by the informant, no evidence has come during investigation, except for statement of some persons, who have repeated the story as made out in the FIR but without any evidence and only suspicion has been cast. It was further submitted that though the viscera report indicates that there may have been poisoning, but there is nothing to show that the poison was administered by the petitioner and her husband. Learned counsel submitted that the bodies were recovered from sacks and far away from the residence of the petitioner and, thus, it is also not possible for the petitioner and her husband to have transported the sacks with the bodies, as they have no vehicle for such purpose. Learned counsel submitted that the husband of the petitioner has been granted bail by order dated 26.06.2019 in Cr. Misc. No. 18811 of 2019 (Bir Bahadur Yadav @ Lal Bahadur Yadav vs. The State of Bihar). It was submitted that the petitioner being a lady, having no other criminal antecedent, is in custody since 29.11.2019. It was submitted that the police have submitted chargesheet only under Section 306 of the Indian Penal Code.



6. Learned APP, from the case diary, submitted that the petitioner is accused of poisoning her daughter and her two minor sons.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in Ara Nagar PS Case No. 320 of 2014 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of her bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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