

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87332 of 2019**

Arising Out of PS. Case No.-43 Year-2019 Thana- SINGHIYA District- Samastipur

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MALTI DEVI Wife of Late Jaishree Paswan Resident of Village - Singhia,  
P.S.- Singhia, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vasudeo Ram

For the Opposite Party/s : Mr.Uday Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

6      17-06-2020                      The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in jail since 22.4.2019 in a case registered for the offence punishable under Section 302 of the IPC.

The prosecution case, as per the written report of Suresh Paswan submitted to the SHO, Singhia Police Station is to the effect that the informant got his daughter Shobha Devi married with Bishundeo Paswan. On 21.4.2019 at 2.00 P.M., the informant received an information that his pregnant daughter has been killed. Thereafter, the informant went to the in-law's house of his daughter where he saw the dead body of his



daughter with injury on the head and neck. The informant came to know that the petitioner being sister-in-law (gotni) of the victim, killed her causing injury with spade.

It is submitted by learned counsel for the petitioner that admittedly the informant is not the eye witness to the alleged occurrence. During investigation also, none have come forward to depose to have seen the occurrence. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP and learned counsel for the informant submit that petitioner is the sole accused and the accusation is specific against her. It is further submitted that the accusation is being corroborated by the medical opinion.

Considering the fact that the investigation has already been concluded, the impugned order or the case diary do not suggest any direct evidence being collected during investigation, against the petitioner, however, the impugned order suggests that the petitioner used to give threat to the informant and the fact that the impugned order further suggests that charges have not been framed till date and due to present pandemic Covid-19, there is no likelihood of conclusion of the trial of the petitioner in near future, moreover, the petitioner



being a lady, coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge II, Rosera (Samastipur) in connection with Shinghia P.S. Case No. 43 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Rosera (Samastipur) including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

The learned Court below will be at liberty to cancel



the bail bonds of the petitioner in case she defaults on three consecutive occasions.

**(Dinesh Kumar Singh, J)**

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