

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3505 of 2021**

Arising Out of PS. Case No.-95 Year-2019 Thana- RISIYAP District- Aurangabad

ARTI DEVI W/O Late Anil Singh R/o Village Sadsa, P.S. Risiup, District -
Aurangabad.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Mustaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 16-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Risiyap P.S. Case No. 95 of 2019 registered for the offences punishable under Section 302 of the Indian Penal Code. She is in custody since 20.10.2019.

Learned counsel for the petitioner submits that this petitioner happens to be the wife of the deceased. It is alleged that she had throttled the neck of her husband causing his death. The F.I.R. has been lodged by the nephew of the deceased, however, nobody has seen the alleged occurrence though it is said to have taken place inside the house where all the family members are



residing.

Learned counsel for the petitioner submits that the post-mortem report of the deceased does not show any throttling of neck or death due to any pressure upon the neck. The post-mortem report shows that the cause of death cannot be ascertained. Two months back the husband of the petitioner had met an accident and he was not having good health.

Learned A.P.P for the State has though opposed the prayer for bail of the petitioner but on repeated query learned A.P.P. accepts that in the post-mortem report there is no indication that the cause of death is by throttling of neck or by any injury allegedly caused by pressing the neck.

Considering the facts and circumstances of the case and the materials which have been noticed hereinabove particularly the post-mortem report not corroborating the allegations in the F.I.R., the petitioner has remained in jail for one year and nine months approximately, investigation against her is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Risiyap P.S. Case No. 95 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.



as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

