

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36925 of 2020

Arising Out of PS. Case No.-154 Year-2020 Thana- HAJIPUR District- Vaishali

Mira Devi, W/O Mukesh Gupta R/O Village-Konhara Ghat, P.S-Town
Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 21-08-2021 Heard Ms. Rina Sinha, the learned Advocate for the

petitioner and Mr. Ram Priya Sharan Singh, the learned APP for

the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Hajipur Town P. S. Case No.154 of 2020,
instituted for the offences under Section 302/ 34 of the Indian
Penal Code.

The accusation in the F.I.R. is that the younger brother
of the informant was strangled to death by the petitioner, her
husband and her children.

The learned Advocate for the petitioner has submitted
that she is the aunt of the deceased and the informant. Because
of the family dispute, she and her family members have been
made accused in this case. It has further been submitted that



after the post mortem on the deceased was done, this accusation has been levelled against the petitioner and her other family members. The husband of the petitioner is in custody with respect to this offence only.

It has further been submitted that the informant, the deceased and the petitioner reside in the same house but on different floors. There is no eye witness to the occurrence and in the investigation papers also, there is nothing on record by which one can trace the link between the petitioner and the killing of the deceased. Except for bald allegation by the informant, there are no other materials supporting the contention of the informant about the participation of the petitioner in the killing of the deceased.

After having come to know of the falsity of the accusation made by the informant, he himself has filed an application before the Court below that this case was filed under a mistaken belief that the deceased has been done to death by his uncle and aunt.

Regard being had to the facts afore-stated, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in



the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P. S. Case No.154 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

While saying so, the Court has especially taken note of the gender of the petitioner and that the fact that her husband is in custody in this case.

The application stands allowed.

(Ashutosh Kumar, J)

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