

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1303 of 2021

Arising Out of PS. Case No.-427 Year-2020 Thana- MANER District- Patna

INDU DEVI Wife of Bijendra Kumar Resident of Village - Lodipur, P.S.-
Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ghanshyam Tiwary, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Chandra Shekhar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-05-2021

In view of sudden resurgence of COVID – 19 infection there has been imposition of lockdown for the last couple of weeks, there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and the learned counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in Maner P. S. Case No. 427 of 2020 registered for the offence under Sections 302, 201, and 120(B)/34 IPC.

The informant's son had gone to his in-laws about seven days prior to lodging of the FIR. When he did not return, it is alleged that some search was made about four days prior to lodging of the FIR. The dead body of the informant's son was discovered on 10.08.2020 and as such the FIR has been lodged implicating the petitioner (wife of the deceased) and other in-laws.

Learned counsel for the petitioner submits that the implication of the petitioner and all in-laws is merely on suspicion. There is no eye witness to the killing of the informant's son. It is submitted that no motive has been assigned as to why informant's son would be done to death by his own wife or in-laws and if there was sufficient basis to have any such strong suspicion then non-lodging of the FIR for about seven days after informant's son left his



home for his in-laws casts a grave doubt on the prosecution case. The petitioner under such circumstances is in custody since 13.08.2020. Other than suspicion and statement of own family members of the informant no material has come in the investigation to suggest petitioner's implication.

Learned counsel for the informant and the learned APP have opposed the prayer for bail. They have submitted that brother of the deceased was examined in the investigation and he has stated about instant petitioner's desire to solemnize marriage with someone else having regard to the mental status of the victim and that without eliminating the victim (petitioner's husband) she could not have solemnized such marriage. The postmortem report also suggest that the victim has been done to death.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Ms. Nutan Kumari, Judicial Magistrate, 1st class, Danapur, Patna, in connection with Maner P. S. Case No. 427 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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