

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.900 of 2021

Arising Out of PS. Case No.-132 Year-2010 Thana- PATEPUR District- Vaishali

Sunita Devi Wife Of Bundel Rai, aged about 31 years, Female, Resident Of
Village - Sherpur Shankar Das, P.S. - Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Sinha

For the Opposite Party/s : Mr. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-05-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Patepur P.S. Case No. 132 of 2010 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on 27.09.2010 at 8 A.M. informant's grand daughter *Sangita Devi* had gone to field for cutting grass and at 11 A.M one boy came to informant informing that her grand daughter *Sangita Kumari* is being



assaulted by *Bundei Rai* and his wife. She rushed there with daughter-in-law *Neelam Devi* and saw that *Bundei Rai* and his wife *Sunita Devi* (petitioner) were badly assaulting *Sangeeta* with kicks and hands. She along with her daughter-in-law tried to rescue her but accused persons started assaulting them also. On raising alarms villagers came whereupon both accused run away. The injured/grand daughter was taken to Muzaffarpur for better treatment but she died in the way.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is delay of more than 28 hours in registration of FIR. He submits that earlier the petitioner has filed Anticipatory bail *vide* Cr. Misc. No. 21407 of 2011 and the said Anticipatory bail application has been dismissed for non prosecution. He further submits that the petitioner is lady with three minor children, the age of the youngest child being 2 years, and there is as such no one to take care of the children other than the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail application and is languishing in custody since 01.09.2020.



Learned APP for the State opposed the bail petition.

Considering the fact that the petitioner is a lady and the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Patepur P.S. Case No. 132 of 2010.

(Anjani Kumar Sharan, J)

GAURAV S./-

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