

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4545 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- ISLAMPUR District- Nalanda

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1. Praduman Kumar, Son of Sita Ram Prasad, Resident of Village-Faridpur, Police Station-Islampur, District-Nalanda.
 2. Sita Ram Prasad, S/o Late Ram Swaroop Yadav, Resident of Village-Faridpur, Police Station-Islampur, District-Nalanda.
 3. Babita Devi @ Sarita Devi, aged about 24 years, female, W/o Sumant Kumar, D/o Sita Ram Prasad, Resident of Village-Sanda Taar, Ramchandarpur, Police Station-Islampur, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tej Narayan Singh, Adv.
For the Informant	:	Mr. Hriday Narayan Harshit, Adv.
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-12-2021 Earlier *vide* order dated 16.08.2021, the application with respect to petitioner Nos. 1 and 2 was dismissed as withdrawn as they have been arrested by the police.

Heard the counsel for the parties.



The petitioner No. 3/Babita Devi @ Sarita Devi seeks bail in anticipation of her arrest in connection with Islampur P.S. Case No. 260 of 2020, dated 18.05.2020, instituted for the offences under Sections 341, 323, 498(A) and 302 of the Indian Penal Code.

The petitioner No. 3 is the married sister of the deceased.

It has been submitted on her behalf that there is no accusation against her of having assaulted or killed the deceased. She has been made accused in this case on the allegation that the dead-body of the deceased was found concealed in a stack of husk in her matrimonial house.

It has further been submitted that she is a married lady who has been residing with her husband for the last 15 years at Delhi. Assuming but not admitting that the dead-body was recovered from the house of her in-laws, that would not bring her within the mischief of any one of the sections of the I.P.C. in which this case has been lodged. It has also been submitted that the husband of the deceased is in custody, whereas the other relatives of the husband



including the mother-in-law of the deceased have been granted regular bail.

The learned counsel for the informant, on the other hand, has insisted upon this Court that nobody in this case has been granted anticipatory bail and, therefore, this application should be rejected and the petitioner No. 3 should be asked to take regular bail.

After having heard the counsel for the parties, taking into account the fact that there is no specific accusation of assault or torture against petitioner No. 3 and that for the last several years, she had been living with her husband in Delhi, this Court is inclined to grant her anticipatory bail.

The petitioner No. 3/Babita Devi @ Sarita Devi, in the event of her arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on her 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 Judicial Magistrate-Ist Class, Hilsa, Nalanda in connection with



Islampur P.S. Case No. 260 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application with respect to petitioner No. 3 is thus allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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