

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7337 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- BHAGWANGANJ District- Patna

Smt. Bindia Devi, Wife of Sri Girija Choudhary, Resident of Devaria, P.S.-
Bhagwanganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-07-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Bhagwanganj P.S. Case No.91 of 2020 registered for the offence
punishable under Sections 302, 34 of the Indian Penal Code.

The village *Chaukidar* has lodged an FIR upon
noticing stench from the house of Mukesh Kumar from where
wife of Mukesh Kumar was found hanging dead.



Counsel for the petitioner submits that the petitioner is the mother-in-law of the victim. Husband is already in custody and she has falsely been implicated in this case.

This Court had earlier requisitioned the case diary.

Counsel for the petitioner submits that in the investigation the fact that the instant petitioner has not fled away like others has come. Had there been any involvement in the murder, she too would have fled away and would not take shelter in the family house in the locality at the time the body was recovered. It is submitted that she is in custody since 28.08.2020 and from the statement of the victim's son recorded in paragraph 10 of the case diary, it is apparent that after quarrel which took place in his presence, petitioner has taken shelter at the old ancestral house. These facts are indicative of the separation between the petitioner; and the victim and her husband.

Learned APP for the State has opposed the prayer for bail. It is submitted that the minor son of the victim has stated about the quarrel which took place earlier when this petitioner was also present.

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 Sri R.M. Choudhary, learned Additional Chief Judicial Magistrate 1st, Masaurhi, Patna, in connection with Bhagwanganj P.S. Case No.91 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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