

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2244 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- LADANIA District- Madhubani

1. NITU DEVI W/o Ravishankar Sah R/o village- Parsahi Tole, P.S.- Ladaniya, District- Madhubani
2. Asha Devi W/o Shiv Kumar Sah R/o village- Parsahi Tole, P.S.- Ladaniya, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. AAP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Ladaniya
P.S. Case No. 236 of 2021 registered for the offence under
Sections 328, 302 120(B) and 34 of the Indian Penal Code.

Both the accused/petitioners are named in the F.I.R.
and in custody since 01.08.2021.

The allegation against both the petitioners is to
commit murder of son of the informant, aged about 2 year.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye witness of the occurrence and the entire allegation is based upon suspicion, for the reason that petitioner no. 1 is Gotni of the informant, whereas petitioner no. 2 is mother-in-law, having serious domestic dispute over street land. It is submitted that injuries were found upon forehead of the deceased, as per inquest report, supported by bleeding from nose and anus, negating, *prima facie*, allegation of administering poison. While concluding the argument, it has been submitted that both the petitioners having clean antecedent, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the fact that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where the entire allegation is based upon the suspicion against both the petitioners, who are ladies having clean antecedent coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Ladaniya P.S. Case No.



236 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st, Madhubani/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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