

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4273 of 2022

Arising Out of PS. Case No.-125 Year-2019 Thana- KATORIYA District- Banka

Sunita Devi, W/o Late Kailash Yadav , D/o Jago Yadav, Resident of Village -
Loraiya, Old House Pipradih, P.S.- Katoriya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Katoriya P.S. Case No. 125 of 2019 registered for the alleged offences under Sections 328, 302 and 349 of the Indian Penal Code.

As per prosecution case, some altercation took place between the son of the informant and his daughter-in-law, the petitioner herein. The petitioner left her matrimonial home along with her two children. Thereafter, son of the informant was taken to his matrimonial home by the co-accused brother-in-law



and on 15.07.2019, the dead body of the son of the informant was brought to the house of the informant by the petitioner and her parents saying that the son of the informant consumed poison and he died during treatment.

The learned counsel for the petitioner submits that the petitioner is the widow of the deceased and no offence is made out against her as her husband himself took poison and died during the treatment. The petitioner herself brought the dead body to her matrimonial home. There is nothing on record to show that the petitioner or any of the co-accused were instrumental in administering the poison to the deceased. Nothing came up during investigation for complicity of the petitioner in the alleged occurrence. Other co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 26.08.2020 passed in Cr. Misc. No. 83990 of 2019. The petitioner is having two small children. The petitioner is in custody since 25.09.2021 and the charge -sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the specific allegation against this petitioner that the son of the informant died at the house of the petitioner and onus lies on her to explain his death.



Having regard to the submissions made hereinabove and considering the fact that nothing of substance appears against the petitioner in the case diary except the suspicion raised by the informant and the witnesses and further considering the fact that the charge sheet has been submitted and the petitioner is in custody since 25.09.2021, she is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Banka in connection with Katoriya P.S. Case No. 125 of 2019, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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