

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7619 of 2022**

Arising Out of PS. Case No.-54 Year-2019 Thana- JAMHOR District- Aurangabad

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Puja Devi, Wife of Late Kundan Sharma, Resident Of Village-Pethari, P.S.
Jamhor, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 13-04-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Jamhore
P.S. Case No.54 of 2019 registered for the offence punishable
under Section 302/328/34 of the Indian Penal Code.

The petitioner's prayer for bail was earlier rejected on
09.01.2020 in Cr.Misc. No.75096 of 2019.

It is stated that the petitioner is in custody since
04.06.2019.

The submission is that witnesses have been examined
at the trial and from their depositions, it is apparent that they
have not supported the prosecution case. The depositions of
some of the witnesses have been annexed along with the
supplementary affidavit. The depositions of P.Ws. Naresh



Sharma, Rajani Kumari and Ram Awtar Kumar Singh were placed on record. The Doctor's deposition has also been annexed. Referring to the same, it is submitted that the Doctor has opined that the cause of death could not be ascertained, therefore the allegation of poisoning was not corroborated.

Further submission is that P.W.2 has stated in his deposition that the instant petitioner had stayed at her in-law's house for 13-14 days after the death of the victim (husband). He has also stated that he is deposing in Court on being told to do so by the informant, who happens to be the maternal uncle of the victim. P.W.1 has been declared hostile and P.W.4 has stated that he was never examined prior to his deposition being recorded at the trial. Referring to these depositions, he submits that for the purposes of grant of bail having regard to the period of custody, this Court should consider this material.

Learned APP for the State has opposed the prayer for bail.

Having considered the submissions and the materials placed on record and also having regard to the fact that the petitioner has no criminal antecedents and is female, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for



bail of the petitioner is allowed.

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 the learned Additional Sessions Judge-IX, Aurangabad, in connection with Jamhore P.S. Case No.54 of 2019, S.Tr. No.471/2019/291/2019, 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 she fails to do so on two consecutive dates, her 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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