

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15846 of 2022

Arising Out of PS. Case No.-246 Year-2018 Thana- BUXAR District- Buxar

SURYAWANTI DEVI @ SURYAWATI DEVI W/o Nekalal Sharma Resident
of Village - Paharpur, (Chilkahar), P.S.- Rasada, Distt.- Balia (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Buxar (Town) P.S. Case No. 246 of 2018 for the offence
punishable under Section 304/34 of the Indian Penal Code.

As per the allegation made in the F.I.R., allegation
against the petitioner is that she had suggested the informant to
get his wife treated at the nursing home of Dr. Punam Rai. The
informant got his wife treated at the said nursing home where in
course of treatment his wife died.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is posted as ANM worker at Primary Health Centre, Balia. Even assuming the fact that she had suggested the informant to get his wife treated at the clinic of Dr. Punam Rai, she is nowhere concerned with the alleged miscarriage and death of the informant's wife. Petitioner is in custody since 24.01.2022, as such, deserves to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner that she had suggested the informant to get his wife treated at the clinic of Dr. Punam Rai, at the time the death of the informant's wife took place at the clinic of one Dr. Punam Rai, the petitioner was discharging her official duty at Balia. Prima facie, it appears that the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar in connection with Buxar (Town) P.S. Case No. 246 of 2018, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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