

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25274 of 2022

Arising Out of PS. Case No.-326 Year-2021 Thana- MINAPUR District- Muzaffarpur

Kiran Devi W/o Late Chandan Kumar, D/o Umakant Sahni R/o village- Koili
Bharaw (Kaili), Malah Toli, P.S.- Meenapur, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Minapur P.S. Case No. 326 of 2021 under sections 341, 323,
324, 328, 307/34 of the Indian Penal Code.

As per prosecution case, the informant has alleged
that the petitioner herein was married to the informant's son
Chandan Kumar. On the fateful day, it is alleged that the
petitioner's mother called the informant's son (husband) was
assaulted and forced to consume poison as a result whereof his
condition started deteriorating and he was shifted to S.K.M.C.H,
Muzaffarpur from where he was taken to a private hospital for



better treatment but he breathed his last in the said hospital. Accordingly, the informant lodged the FIR against the petitioner herein, wife as also her family members.

Learned counsel for the petitioner submits that contrary to the allegations made in the FIR, the deceased actually consumed poison whereafter he was shifted to S.K.M.C.H, Muzaffarpur from where he was taken to a private hospital where he died. However, out of grudge the informant's mother has implicated her as also her family members. It has further been submitted by the learned counsel for the petitioner that the police investigated the matter and filed the charge-sheet under section 306 of the Indian Penal Code. It has lastly been submitted by him that the petitioner is in custody since 8.1.2022 and has not named in the FIR and has absolutely no criminal antecedent.

Taking into account the aforesaid fact that the charge-sheet stands submitted, the petitioner herein is the wife of the deceased, is in custody since 8.1.2022 and has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of



like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Minapur P.S. Case No. 326 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of bail by the Trial Court itself;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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