

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25891 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DUMRA District- Sitamarhi

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KHUSHBOO KUMARI W/o Late Manoj Rai Resident of Village -
Vishwanathpur, ward No.1, P.S.- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Dumra P.S. Case No. 48 of 2022 under Sections 306/34 of the

Indian Penal Code.

As per the allegation in the FIR, the nephew is the

informant of the deceased, who has alleged that there was a

regular fight between his uncle and aunt (petitioner herein) and

it was on the instigation of the present petitioner that his uncle

committed suicide.

Learned counsel for the petitioner submits that



contrary to the allegations made in the FIR, actually there was a family dispute between the informant and her husband inasmuch as after the partition, while the costly lands were taken away by the informant those with lower price was handed over to them. Partition was a reason while her husband always used to be in pressure. It was under these circumstances, that he committed suicide. It is further submitted that on that fateful day, the petitioner was not even at her husband's house rather at her maternal home and as such the immediate instigation as alleged by the informant is completely false.

The counsel further submits that the lady went into jail on 05.02.2022 itself, i.e. when the case was registered with one month pregnancy. Learned counsel has categorically submitted that although the same has not been incorporated in the bail application as per his recent information, she walked in with one month pregnancy and at present is having seven months pregnancy. As such, considering the aforesaid facts, she deserves bail.

Taking into account the fact that this is unfortunate suicide of the husband of the petitioner, she is in custody since 05.02.2022 and is pregnant by seven months, it would be proper that the child in the womb opens his/her eyes in a free world



instead of within the walls of the jail, this Court is inclined to grant her 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 48 of 2022.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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