

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26659 of 2022

Arising Out of PS. Case No.-162 Year-2020 Thana- KARAKAT District- Rohtas

Mamta Devi, W/o Chandan Paswan, R/o village- Kushi, P.S.- Karakat,
District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-08-2022 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 Karakat P.S. Case No. 162 of 2020 registered for the alleged offences under Sections 302 and 309 of the Indian Penal Code.

As per prosecution case, the petitioner jumped with her two year old minor daughter in a deep water body (*Aahar*), the daughter of the petitioner died and the petitioner survived.

The learned counsel for the petitioner submits that the petitioner and her daughter were thrown in the deep water by



her in-laws and though Karakat P.S. Case No.161 of 2020 was registered but no such specific allegation has been made in the FIR. But it appears that the in-laws of the petitioner in connivance with the local *Chaukidar* has lodged this false case against the petitioner. Learned counsel further submits that during investigation, it came up in the statement of witnesses examined by the police that there has been continuous quarrel between the petitioner and her husband due to the fact that there was no son out of the wedlock. So it could be presumed that the petitioner might have taken extreme step of committing suicide but she has no intention to kill her two years old female child. Learned counsel further submits that post-mortem was conducted without any FIR being lodged and there is suspicion over the prosecution case. The petitioner is in custody since 25.12.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner tied her minor daughter at her back and jumped in Aahar and due to her rash act, her daughter died.

Having regard to the facts and circumstances and considering the submission of charge-sheet and the period of her custody along with the fact that there is no chance of tampering with witnesses by the petitioner, the petitioner above



named 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 Additional Chief Judicial Magistrate-1, Bikramganj, Rohtas in connection with Karakat P.S. Case No. 162 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the deponent, who has sworn the affidavit.

(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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