

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27524 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- SHIVSAGAR District- Rohtas

SONI DEVI W/o Late Madan Yadav Resident of Village - Bhagawaliya, P.O.-
Silari, P.s.- Shivsagar, Distt.- Rohtas (Sasaram)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2022 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 case is registered under section 302 of the
Indian Penal Code.

As per the allegation in the FIR, the informant has
alleged that the deceased was his younger brother and the
petitioner is the wife of the deceased. He has further alleged that
upon noise, he went to the house of his brother Madan Yadav
and found him dead. He attributed the said death to the
deceased's wife, the petitioner herein. Accordingly, the FIR was
lodged.

Learned counsel for the petitioner submits that a



bare perusal of the FIR would show that the children of the couple had stated that there was a scuffle between the couple and in rage, injuries were inflicted by the petitioner which proved fatal for her husband. He submits that it was not the criminal act as she actually lost her husband. He further submits that the petitioner is in custody since 18.1.2022 (as stated in para-30 of the bail application).

Taking into account the aforesaid facts that the couple was blessed with three children, the father is no more, the mother (petitioner herein) is in custody since 18.1.2022 and her long absence can affect the future of her three growing up sons as also the charge-sheet stands submitted and ultimately she has to face the trial, 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 Additional Chief Judicial Magistrate, Sasaram, Rohtas, in connection with Shivsagar P.S.Case No. 19/22 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;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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