

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43809 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- MADANPUR District- Aurangabad

SUNAINA DEVI W/o Rajindra Chaudhary Resident of Village - Shivganj,
P.S.- Madanpur, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 21-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B and 341 of the Indian Penal Code to which sections 302, 201 and 120B of the Indian Penal Code were added subsequently.

As per the prosecution case, the husband of the deceased is said to have illicit relationship with the petitioner herein and the accused persons including the petitioner herein were involved in the killing of the deceased.

It is submitted by learned counsel for the petitioner that the petitioner who is a lady has been falsely implicated in the case for oblique reasons. She is not a member of the family of the deceased and her husband and has no concern with their family affairs. It is submitted that even from perusal of the



postmortem report no external injury was found on the body of the deceased. The petitioner is in custody since 19.3.2020 and undertakes to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation as also the contents of the postmortem report and the petitioner having remained in custody for two years, the Court directs the petitioner to be enlarged on bail in connection with Madanpur P.S. Case no. 48 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge XV, Aurangabad.

In view of the report of the learned trial Court that this case is at the stage of prosecution evidence although no witness has been examined yet, it is directed that the petitioner shall be properly represented on each date of the trial and shall cooperate in the trial.

In case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of



the petitioner and take her into custody till conclusion of the trial.

(Partha Sarthy, J)

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