

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47316 of 2021**

Arising Out of PS. Case No.-374 Year-2020 Thana- GAYA KOTWALI District- Gaya

PUNAM DEVI, W/o- Amrit yadav @ Amrit Prasad Yadav, R/o Gola bagicha
- Gabra, P.S. - Kotwali, Dist. - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate
For the Opposite Party : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 11-02-2022 Heard learned counsel for the parties through video conferencing.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Gaya Kotwali P.S. Case No. 374 of 2020 for the offence punishable under Sections 302/34 of the Indian Penal Code.

Though the case has been registered under Section 302 of the Indian Penal Code but after arrest of the husband of the deceased, the Police has submitted the charge-sheet against him under Section 306 of the Indian Penal Code and the investigation against the petitioner and others is still pending. The petitioner is 68 years mother-in-law of the deceased and the



allegation against her are general and omnibus. The deceased had left behind two children.

It has been submitted by learned counsel for the petitioner, on instructions, that both the children are staying with the petitioner, who being the only lady member of the house and grand-mother of the children, is looking after them and their well being. He further informs this Court that the children are studying in a reputed school of Gaya namely, Nazareth Academy and if the petitioner is not granted the privilege of anticipatory bail then the children will suffer for no fault of their own when their mother has committed suicide.

Considering the entirety of the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of her arrest/surrender within ten weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya, in connection with Gaya Kotwali P.S. Case No. 374 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



However, while accepting the bail bonds of the petitioner the Court below shall verify the fact whether the children are studying in the Nazareth Academy, Gaya and are staying with their grand-mother (petitioner). If the aforesaid facts are found to be true then the Court below shall accept the bail bonds of the petitioner. If any of the facts are found false, in such circumstances, the bail bonds of the petitioner shall not be accepted by the court below and she will be taken into custody and the matter will be reported to this Court.

With the aforesaid observations and directions, this bail application is allowed.

(Sandeep Kumar, J)

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