

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42755 of 2022**

Arising Out of PS. Case No.-291 Year-2021 Thana- RAFIGANJ District- Aurangabad

Keshri Devi, W/o Late Ganauri Sing @ Ganauri Ram, R/o village- Tankuppa,
P.S.- Konch, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 24-08-2022 This matter has been taken up for out of turn hearing on mentioning slip being moved on behalf of the petitioner that the petitioner is a lady aged about 90 years and suffering from old critical disease.

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 Rafiganj P.S. Case No. 291 of 2021 registered for the alleged offences under Sections 302, 201 and 120 B of the Indian Penal Code.

The allegation against the petitioner and other co-



accused persons is that they killed the daughter of the informant by administering poison on account of demand of dowry.

The learned counsel for the petitioner submits that the prosecution case is not believable as the marriage was solemnized 14-15 years back and there has been two children out of that marriage and they are aged about 12 and 10 years, respectively. It is also not believable that after so many years any demand would be made. In fact, the daughter of the informant died due to natural cause and she was cremated in due course and there was no foul play. The petitioner did not live with the co-accused husband of the deceased. In fact, she resides in her village. The deceased was treated by the doctor twice and after her death, the family members of the deceased were informed and the last rites were performed which was joined by her family members. The petitioner is 90 years old lady and is in custody since 21.04.2022. There is no specific allegation against her for any wrong doing. The co-accused husband of the deceased is also in custody. The charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is the mother-in-law of the deceased and she is one of the accused persons who administered poison to her.



Having regard to the submissions made hereinabove and considering the fact that false implication cannot be ruled out under the circumstance that the marriage has been solemnized 14-15 years back and also considering the age of this petitioner, she 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 Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 291 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (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)

V.K.Pandey/-

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