

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55933 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- ALIPUR District- Gaya

KUSHUM KUMARI DAUGHTER OF AWADHESH SHARMA R/O
VILLAGE- SALEMPUR, P.S.- ALIPUR AND DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code which was subsequently converted into section 306 of the Indian Penal Code.

As per the prosecution case, over a civil dispute it is stated that one Shanti Devi assaulted the daughter of the informant with a stick on her head and as a result of pressing her neck, the informant's daughter died. Thereafter, it is stated that Uttam Kumar, Shanti Devi and Ramashish Bind kept the dead body in the hut. It is further stated that in the occurrence the daughter of Shanti Devi, namely Kushum Kumari (petitioner) was also assisting.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No overt act has



been alleged against the petitioner in the FIR. Referring to the order of the learned court below rejecting the application for bail of the petitioner it is submitted that in course of investigation the case was not found true under section 302 of the Indian Penal Code but was found true under section 306 of the Indian Penal Code. The petitioner who is a lady is in custody since 28.2.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the submissions made on behalf of the petitioner together with the petitioner having remained in custody for over 11 months, the petitioner is directed to be enlarged on bail in connection with Alipur P.S. Case no. 71 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 Additional Chief Judicial Magistrate II, Gaya.

(Partha Sarthy, J)

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