

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58782 of 2021

Arising Out of PS. Case No.-464 Year-2021 Thana- FORBESGANJ District- Araria

Fulsariya Devi W/O Bechan Mandal Resident of Village - Aaurahi Ward
No.09, P.s.- Simraha (Forbesganj), Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Mukesh Kumar Rana, learned counsel for
the petitioner and Mr Mritunjay Kumar Nirala, Additional
Public Prosecutor for the State through vvideo conferencing.

Petitioner seeks bail in a case registered in connection
with Forbesganj P.S.Case No. 464 of 2021 for the offences
punishable under Sections 302 and 201 of the Indian Penal
Code.

As per the prosecution case, it is alleged that all the
accused persons including the petitioner in connivance with
each other have committed brutal murder of informant's
daughter by cutting her body into pieces and they have set
ablaze the parts of body with a view to screen the evidence of



murder.

It is submitted on behalf of the learned counsel for the petitioner that petitioner happens to be mother-in-law aged about 72 years is in custody since 29.06.2021. It is further submitted that there is general and omnibus allegation against all the accused persons and there is no eye witness to the alleged occurrence, even the informant is not an eye witness and moreover, this is not a case of 304B rather it is a case of 302 of the I.P.C. It is next submitted that during the course of investigation , it has come that husband of the deceased, has found responsible for his death and moreover, he is in custody.

On the other hand, learned Additional Public Prosecutor for the State opposed the bail application of the petitioner and submits that there is allegation against all the accused persons that they in connivance with each other killed the daughter of the informant by cutting her body into pieces and they have set ablaze the parts of body with a view to screen the evidence of murder. The allegation has also supported by the witnesses during the course of investigation.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is mother-in-law aged about 72 years and there is general and omnibus



allegation against all the accused persons. Further during the course of investigation, the witnesses have stated that it is the husband, who is responsible for the death of the deceased and he is in custody. Apart from the fact that this petitioner is in custody since 29.06.2021, investigation has already been completed and charge sheet has been submitted and also the post mortem report does not suggest any ante mortem injury, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 464 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be



cancelled.

(Harish Kumar, J)

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