

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62908 of 2021

Arising Out of PS. Case No.-392 Year-2020 Thana- BARH District- Patna

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Babita Devi W/O- Upendra Kumar Gupta Resident of Village- Ward No.13,
Near Gola Road, Tamilpur Barh, Patna, Barh, Bihar- 803213.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 306 and 34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant namely Sharwan Sao, is that his son regularly used to go to the house of his neighbour, namely Babita Devi, for which he asked his son not to go to her house. On that cause Babita Devi told that your son would come to my home and if the informant say something then, she would falsely implicate him in a case. It is



further alleged that on 02.10.2020 at about 1:30 P.M. he got information that Sonu Kumar is admitted in Barh Hospital. The informant reached there and brought to his son in the clinic of Dr. Siyaram Singh for better treatment thereafter referred to Novel Hospital, Patna and during the treatment at about 11:50 hours his son declared dead. It is further alleged by the informant that his son had taken poison under the pressure of Babita Devi.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and she has been falsely implicated in the present case. He further submits that the present case is counter blast of Barh P.S. Case No. 371 of 2020 filed by the petitioner herself against the deceased Sonu Kumar for the offences under Section 354 (8) of the Indian Penal Code and Section 8 of the POCSO Act. He further submits that during investigation nothing has come against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Barh



P.S. Case No. 392 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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