

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53586 of 2022

Arising Out of PS. Case No.-117 Year-2022 Thana- RUPAULI District- Purnia

PAWANI DEVI, Wife of Late Shankar Sah, Resident of Village - Jhalari,
Ward No.- 6, P.S. - Rupauli, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-03-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Rupauli P.S. Case No. 117 of 2022 registered for the offence(s) punishable under Section 302 of the Indian Penal Code.

As per the prosecution, the informant's daughter (deceased) was hanged to death by this petitioner (mother-in-law).

The main submissions advanced by the learned counsel for the petitioner are that though the FIR was registered



under Section 302 of Indian Penal Code but during investigation, it came into light that the victim committed suicide and accordingly the charge-sheet was submitted under Section 306 of Indian Penal Code, the allegation levelled against the petitioner in the FIR is completely unbelievable as she is an old lady so it was not possible for her to hang the victim by herself and as per the description of place of occurrence as well as medical opinion given in the postmortem report, any sign of scuffling or resistance by the victim against the alleged act of the petitioner does not appear and if the petitioner forcibly hanged the victim then some evidence showing struggle on victim's part must have been there. Further submission is that the petitioner has been languishing in jail since 01.06.2022 and during investigation, all the witnesses stated that there was no good relation between the deceased and her husband and the victim did not like her husband.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the circumstances that as per the postmortem report, the cause of death of the victim has been opined due to *asphyxia* as a result of hanging and the charge-sheet has been



submitted against the petitioner under Section 306 of IPC and during investigation, it came into light that victim did not like her husband, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner 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 concerned Court in connection with Rupauli P.S. Case No. 117 of 2022.

(Shailendra Singh, J)

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