

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54073 of 2022

Arising Out of PS. Case No.-123 Year-2020 Thana- GOVINDPUR District- Nawada

Sabita Devi @ Sano Devi @ Samo Devi Wife of Late Lalan Yadav, Resident
Of Lakhpat Bigha P.S.-GOVINDPUR District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
01.07.2022 in connection with Govindpur P.S. Case No. 123
of 2020, F.I.R. dated 27.06.2020 registered for the offence
punishable under Sections 328,302,34 of the IPC.

The prosecution case, in brief, is that the informant
alleged that when the informant sniffed the mouth of Lalan
Yadav then informant felt that some smell of pesticides was
coming out from the mouth of Lalan Yadav. Then informant
told to petitioner and her mother that you have killed to Lalan
Yadav by way of administering poisonous substance and you
are saying that health condition has got deteriorated. Further



informant expressed his suspicion that petitioner and other accused named in the FIR has caused murder of his cousin brother namely, Lalan Yadav by administering poison.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that the petitioner is wife of the deceased. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and it has come during investigation that the deceased had committed suicide himself and thereafter the police has filed chargesheet under Sections 341,323,306 of IPC and the petitioner is in custody since 01.07.2022.

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, 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 learned Judicial Magistrate-1st Class, Nawada in connection with Govindpur P.S. Case No. 123 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, 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 his 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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