

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54723 of 2022

Arising Out of PS. Case No.-31 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

SARITA DEVI, W/o Chhedi Sahu, Resident of Village - Kasraur, P.s.-
Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 12-01-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Ghanshyampur P.S. Case No. 31 of 2020 registered for the offence punishable under Sections 328, 302 and 34 of the Indian Penal Code.

It is alleged that the informant's husband (since deceased and her son) had gone to see off daughter Kaili Devi at her in-laws place. The husband of the informant has been found dead the next morning at her daughter's, in-laws house. Thereafter, the FIR has been lodged. It is alleged based on suspicion that the instant petitioner (*Gotni* of the informant's daughter) had served water to the deceased while he was having dinner and that the same was poisoned.

Learned counsel for the petitioner submits that the implication is based only on suspicion. Neither the informant is witness to the occurrence, nor any witness including the informant's daughter has stated about any abnormality or unnatural behavior at the time of serving food to her father or during the night. The fact that he has been found dead the next morning and opinion regarding death due to poisoning, in the postmortem report has been made the



basis of implicating the petitioner along with all other members of the family.

The victim's daughter has also been examined in the investigation. The same, however, does not manifest that there was any abnormality detected prior to the death of the victim and the fact of death apparently has been made the basis of implication. The petitioner being a family member in the aforesaid circumstances has remained in custody since 29.06.2022. The petitioner has no antecedents and investigation is complete.

Learned APP for the State, with reference to the case diary, has opposed the prayer for bail.

Considering the rival submissions, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 the learned Additional Chief Judicial Magistrate, Biraul, Darbhanga, in connection with Ghanshyampur P. S. Case No. 31 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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