

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60126 of 2022

Arising Out of PS. Case No.-235 Year-2020 Thana- NAVINAGAR District- Aurangabad

RANI DEVI WIFE OF BIRBAL PASWAN R/O VILLAGE-
BUDTHHIBANDH, P.S.- NABINAGAR, DISTRICT- AURANGABAD
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-04-2023 Heard Mrs. Leelawati Kumari, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP who
represent the State.

The petitioner is in judicial custody in connection
with Nabinagar P.S. Case No.235 of 2020 instituted under
Sections 328, 302, 34 of the Indian Penal Code.

As per the FIR, the informant solemnized marriage of
her sister, Prabha Devi with Birbal Paswan and since then her
sister was harassed for want of dowry. Birbal had also
solemnized second marriage. Informant further alleged that on
the night of 22.10.2020 Birbal Paswan and second wife Rani
Devi administered poison to informant's sister due to which she
died. Accordingly, the FIR.

Learned counsel for the petitioner submits that



allegation is against both the husband as also the second wife (petitioner herein) that they jointly administered poison to the informant's sister, Prabha Devi causing her death.

She submits that the husband subsequently moved in Cr. Misc. No.30055 of 2021 and a co-ordinate Bench of this Court taking note of the FSL report that no trace of poison could be detected, granted him bail on 29-03-2022 (Annexure-2 to the petition).

This Court would like to record the observation of the co-ordinate bench so far as the FSL report is concerned which is quoted herein below:

“Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that as per allegation as alleged in the FIR the informant alleged that the husband of the deceased and second wife administered poison to the deceased. He further submits that F.S.L. Report reveals that no Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile



poison could be detected in the contents of plastic jars as described above and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.12.2020.”

Taking into account the fact that the petitioner is a lady, is in custody since 07.08.2022 (as stated in paragraph-14 of the bail application) husband has been granted the privilege of bail, as stated above, ultimately she will have to face the music, this Court is inclined to extend her the same relief.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Nabinagar P.S. Case No.235 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail



bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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