

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 62263 of 2022

Arising Out of PS. Case No.-108 Year-2019 Thana- KISHUNPUR District- Supaul

1. URMILA DEVI Wife of Birendra Sada @ Viran Sada Resident of Village-Khaptola, Chamelwa, P.S.- Kishanpur, District- Supaul
2. MANTU SADA Son of Birendra Sada @ Viren Sada Resident of Village-Khaptola, Chamelwa, P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arun, Advocate

For the Opposite Party/s : Mr Vinod Shanker Modi, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-02-2023

Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners seek bail in Kishanpur Police Station (for brevity, **PS**) Case No 108 of 2019 registered for the offence punishable under Sections 304B, 201, 120B/34 of Indian Penal Code.

Petitioners are mother-in-law and brother-in-law of the victim.

Learned counsel for the petitioners submits that victim has suffered death on account of some complications arising in course of pregnancy. The fact that the victim is suffering with stomach ache on the fateful night, i e, on 12.05.2019 is evident from the statements of co-villagers as well as Babita Devi (**Gotni**). It is further submitted that falsity of the allegation is evident from the fact that the First Information Report (for brevity, **FIR**) itself shows that the last rites of the victim was performed after the informant had reached her house. Despite all these facts, FIR has been lodged after seven days.



It is also submitted that petitioners have no criminal antecedent and petitioner No 1 is in custody since 19.05.2022 while petitioner No 2 is in custody since 16.05.2022. Co-accused Birendra Sada (father-in-law of the victim) has already been granted bail by this Bench by order dated 27.09.2019 passed in Cr Misc No 49392 of 2019.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in Kishanpur PS Case No 108 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

