

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67396 of 2023

Arising Out of PS. Case No.-273 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Ghurni Devi, Wife Of Tiwari Sah Resident Of Village - Babu Ram Tola,
Kurha, P.S. - Sahebpur Kamal District - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S. Kamal P.S. Case No. 273 of 2022, lodged on 12.10.2022 under
Sections 328, 302 & 120 (B) of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against 9 accused persons including the present petitioner against
whom there is allegation that she provided poison to the daughter
of the informant due to which she died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that from the contents of the FIR, it transpires that the informant
has filed a criminal case against the petitioner and his son on
06.10.2022 due to which the son of the petitioner went into jail in
connection with S. Kamal P.S. Case No. 268 of 2022. He further



submits that from the contents of the *fardbayan*, it transpires that the said FIR has been lodged on 12.10.2022 whereas, the date on which it has been alleged that poison has been provided is on 10.10.2022. He also submits that the death has been caused on 10.10.2022, post-mortem has also been done on the said date and after coming the said report, the entire family members of the petitioner were made accused in the present case. He further submits that the antecedent of the petitioner is clean and he is in custody since 29.05.2023 and also submits that the petitioner is a lady aged about 50 years.

5. Learned APP for the State opposes the prayer for bail of the petitioner and admits that it is true that the allegation of filing criminal case has been made by the informant against the son of the petitioner due to which he went into custody and even then, the informant has permitted her daughter to take *laddu* from the mother of the enemy which creates a little bit of doubt.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IVth, Begusarai in connection with S. Kamal P.S. Case No. 273 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the



following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(v) 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.

(Dr. Anshuman, J.)

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