

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66315 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- RAUTA District- Purnia

-
1. Mamta Devi, Wife Of Sri Prakash Choudhary, Village- Dumariya, Ps- Rوتا, Dist- Purnea
 2. Kalash Choudhary @ Kalash Kumar, Son Of Sri Bachcha Lal Choudhary, Village- Dumariya, Ps- Rوتا, Dist- Purnea
 3. Pawan Choudhary @ Pawan Kumar, Son Of Sri Bachcha Lal Choudhary Village- Dumariya, Ps- Rوتا, Dist- Purnea,

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-12-2023 Learned counsel for the petitioners submits that application for grant of anticipatory bail of petitioner nos. 2 and 3 has already been dismissed as withdrawn vide order dated 10.11.2023. Now this application survives only for **petitioner no.1, namely, Mamta Devi.**

2. Heard learned counsel for petitioner no.1 and learned APP for the State.

3. In this case, the petitioner no.1 is apprehending his arrest in connection with Rوتا P.S. Case No. 21 of 2023, registered for the offences under Section 302/34 of the Indian Penal Code.



4. As per prosecution case, brother of the informant was assaulted and killed by her in-laws by administering poison when he went there to bring back his wife and children.

5. Learned counsel appearing on behalf of the petitioner no.1 submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is the wife of the brother-in-law of the deceased. The deceased was having some dispute with his wife and for this reason his wife and children have been living at their parental house. On the date of the occurrence, the deceased forcibly tried to take away his wife and children which was opposed by his wife. The deceased assaulted his wife and children and when the family members of the wife intervened, the deceased consumed poison. The petitioner and other co-accused persons have been falsely implicated in this case. There is general and omnibus allegation against the petitioner and others. There is allegation of brutal assault but the postmortem report shows a single injury on left quadrant of abdominal area over 10th rib. It shows that the deceased fell down during scuffle. Further, for cause of death opinion has been reserved and viscera have been preserved. Prosecution case is not believable that the



deceased was brutally assaulted to near death and thereafter he was forced to consume poison. Moreover, the present petitioner is a lady and just because of relationship, she has been falsely implicated in this case. Petitioner is having clean antecedent.

6. Learned APP opposes the prayer for bail.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner to connect her with the offence as alleged coupled with her clean antecedent, let the **petitioner no.1, Mamta Devi**, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/court concerned in connection with Routa P.S. Case No. 21 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner no.1.

(ii) The petitioner no.1 will remain present on



each and every date fixed by the court below, if
so required by the learned trial court.

(Arun Kumar Jha, J)

balmukund/-

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

