

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16305 of 2024

Arising Out of PS. Case No.-605 Year-2022 Thana- MADANPUR District- Aurangabad

Kanchan Devi, aged about 40 years, Gender-(Female), W/o Late Binay Kumar Singh, Resident of Village-Maya Bigha, P.S.-Madanpur, District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Advocate
For the Opposite Party : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 24-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Madanpur P.S. Case No. 605 of 2022 dated 04.12.2022 registered for the offences punishable under Sections 302 and 201 of the I.P.C.

3. As per the prosecution case, the informant's nephew who was the son of the petitioner was buried in her courtyard's pit of the newly constructed house by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is the mother of the deceased. No independent witness has come forward to support



the prosecution case except the informant who is the brother-in-law (*Dewar*) of the petitioner and his motive is to grab the property of the petitioner. It is further submitted that from perusal of the F.I.R., it appears that on 03.12.2022 in the evening when the informant was at *Shivganj Market* and met to one Suresh Das, who narrated the informant about the occurrence and has said that bad smell was coming from the aforesaid pit but it is very surprising that no alarm was raised or not disclosed by him in the society. It is further submitted that after investigation as well as the statement of the petitioner it has come to the conclusion of the prosecution case that the deceased died himself due to take over dose of drugs. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. She is in custody in this case since 06.12.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. The dead body of the deceased was recovered from the pit of the under constructed house of the petitioner as per the inquest report.

6. Considering the aforesaid facts and circumstances as well as the heinous nature of the allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Madanpur P.S. Case



No. 605 of 2022, pending in the court of learned Additional District and Sessions Judge-II, Aurangabad.

7. The application stands rejected.

8. The court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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