

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41120 of 2024**

Arising Out of PS. Case No.-764 Year-2023 Thana- JAMUI District- Jamui

Sushma Devi @ Shushma Kumari W/O Sunil Sharma R/O Village Mahisouri,  
P.S.and Distt- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Krishna Prasad Singh, Sr. Advocate |
| For the State        | : | Mr. Anuj Kumar Shrivastava, A.P.P.     |
| For the Informant    | : | Ms. Ruchi Mandal, Advocate             |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

4      14-11-2024                      Heard Learned Senior Counsel for the petitioner,  
  
Learned A.P.P. for the State and Learned Counsel for the  
  
informant.

2. The petitioner seeks regular bail in connection with  
  
Jamui P.S. Case No. 764 of 2023, lodged on 28.12.2023, under  
  
Sections 302 and 120B of the I.P.C.

3. As per the prosecution case, the F.I.R. has been  
  
lodged against two named and other unknown accused persons  
  
alleging therein that all the accused person in connivance with  
  
each other have assaulted the minor son of the informant and  
  
ultimately killed him.

4. Learned Senior Counsel for the petitioner submits  
  
that the petitioner is innocent and has committed no offence.



Counsel submits that as per the allegations, son of the informant has visited the house of the petitioner but subsequently, during investigation it has come that the informant's son has developed relation with the daughter of the petitioner and upon receiving the information about the same, they started chasing informant's son and in a hurry, the deceased started fleeing and fell down from the ladder due to which he received injuries and subsequently, resulted into death. Counsel further submits that the criminal antecedent of the petitioner is clean and the petitioner is a lady. Counsel further submits that the petitioner is in custody since 29.12.2023 and no purpose would be served in keeping the petitioner into custody, particularly, when the informant during course of argument has submitted that the charge has been framed.

5. Learned Counsel for the State opposes the prayer for bail.

6. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that the dead body of the deceased has been recovered from the petitioner's house and the said deceased had visited the house of the petitioner in good health but dead body has been found in the petitioner's house, therefore, absolutely onus is upon the petitioner and her family



members that how death has been caused. Counsel further submits about the framing of charge of the petitioner, she is not fully aware, therefore, his earlier statement may not be accepted. Counsel further submits that case diary has been called for in which post-mortem report of the deceased is annexed and from perusal of the same, it transpires that the cause of death has been shown as C.R. failure due to the multiple injuries on the body of the deceased.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui in connection with Jamui P.S. Case No. 764 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. as well as with 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;

(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)**

Aman Kumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

