

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1160 of 2024

Arising Out of PS. Case No.-226 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Rani Kumari Sharma wife of Diwash Sharma Resident of Village- Magadh
Colony Road No. 5, PS- Magadh Medical, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Magadh Medical P.S. Case no. 226 of 2023 registered under sections 302, 323 and 504 of the Indian Penal Code.

3. As per the prosecution case, the informant states that her husband started to abuse and assault her. On the informant asking him not to do so, it is stated that he threw her two children aged about 4 months on the ground as a result of which they sustained injuries and died. Her husband escaped.

4. It is submitted by learned counsel for the petitioner that the petitioner is the informant of the case. Subsequently in course of investigation she was falsely



implicated in the case based on an alleged confessional statement given by her to the police. The petitioner is in custody since 13.5.2023 and has no criminal antecedent. Chargesheet has been submitted in the case. Learned counsel for the petitioner lastly submits that surprisingly there are two postmortem reports, both postmortems conducted on 11.5.2023 and their time of commencement being 12.30 pm and 12.45 pm respectively. While in one report the cause of death is hemorrhage and shock, in the second report also of the same dated 11.5.2024 the cause of death is asphyxia due to throttling.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel who appeared on behalf of the mother-in-law of the petitioner/informant. Learned counsel appearing for the mother-in-law of the petitioner/informant submits that not only the petitioner confessed her guilt before the police but also before the Magistrate and the same is admissible under section 26 of the Evidence Act. Further supporting the allegations in the FIR, it is submitted that the postmortem report gives the cause of death to be asphyxia due to throttling.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has



transpired in course of investigation, the contents of the two postmortem report, the relationship of the petitioner with the deceased, her being in custody for 10 months since 13.5.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Magadh Medical P.S. Case no. 226 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 2nd , Gaya.

(Partha Sarthy, J)

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