

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87035 of 2024

Arising Out of PS. Case No.-360 Year-2024 Thana- TARAIYA District- Saran

Niru Kumari W/O Sonu Kumar Ray Resident of village- Madhopup Bara,
Police Station- Taraiya, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Singh, Advocate Mr. Vishesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-01-2025 Heard Mr. Basant Kumar Singh along with Mr. Vishesh Kumar Singh, learned counsels appearing on behalf of the petitioner and Mr. Sunil Kumar Pandey, learned APP for the State.

2. Petitioner seeks regular bail in connection with Taraiya P.S. Case No. 360/24 registered for the offences punishable under Section 137(2), 140(3) of B.N.S. and subsequently Section 103 of B.N.S. was also added.

3. As per the allegation made in the FIR, which was lodged by the petitioner herself, her 25 days child was missing. Upon investigation, the child was recovered from a drum containing rice.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and there is no reason that she will kill her own child who is just 25 days old, rather the child of the petitioner got missing and the petitioner was arrested in course of investigation. He further submitted that the *parivkar* of the petitioner is her own husband. It is further submitted that petitioner and her husband are aged about 20 years and it is not accepted from them that they will kill their first child. He further submitted that confessional statement before police has no evidentiary value. It is lastly submitted that petitioner has clean antecedent and she is in custody since 09.09.2024.

5. Learned APP appearing for the State vehemently opposed the bail prayer and submitted that from the impugned order, it would appear that body of 25 days old child was recovered from the house of the petitioner. The petitioner has also admitted in course of investigation before the police to the extent that her child was premature and used to remain unwell and for the said reason, she has strangled the child and hid the dead body in a drum.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner has given birth to a child and has also admitted that the child used



to remain unwell. The other family member has only stated that the dead body of the 25 days old child was found from the drum containing rice. I find that the statement of the petitioner recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in police custody has no evidentiary value and husband of the petitioner has not made any allegation that the petitioner has committed murder of the child, rather he has sworn the affidavit. The petitioner has prima facie made out a case to be released on bail.

7. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Saran at Chapra in connection with Taraiya P.S. Case No. 360/34 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after her release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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