

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11408 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

Most Nayan Sobha Gupta @ Sobha Nayan Gupta W/o Late Baldeo Prasad
Gupta R/o Mohalla- Kotwali Chowk, Naka No.- 5, P.S.- Laheria Sarai,
District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar

For the Opposite Party/s : Mr. Ajit Kumar (App)

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 25-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 498(A), 304(B)/34 of the Indian Penal Code as also under Section 3/4 of the Dowry Prohibition Act.

Though the petitioner is named in the F.I.R., vide Annexure-1, as an accused, but it is submitted that the allegation against her is general and omnibus in nature and the main culprit co-accused Shashi Shekhar, who is husband of the deceased, is already in judicial custody and the present petitioner, being the mother-in-law, is in judicial custody since 13.01.2015.

Taking into consideration the aforesaid aspect, her prayer for bail is allowed, subject to verification by the learned court below that the husband of the deceased has already surrendered and is still in judicial custody. If on verification it is found that he is still in judicial custody, then the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga in connection with Laheria Sarai P.S. Case No. 35 of 2015, subject to the conditions that:

- (A) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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