

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34780 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Bachcha Devi @ Baccha Devi Wife of Yogendra Sah Resident of
Village- Nayak Tola, P.S. Adapur, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, who is mother-in-law of the deceased,
apprehends her arrest in connection with Adapur P.S.Case No. 34
of 2016 registered for the offence punishable under Sections 304
(B) and 201/34 of the Indian Penal Code.

The prosecution case as lodged on the basis of
written report of one Madan Sah to the S.H.O., Hirpur P.S. is that
his daughter Sima Kumari was married with Lalbabu Sah in the
year, 2009 and was tortured by her in-laws family due to demand
of motorcycle and Rs. two lacs and ultimately she had been
murdered and her dead body was disposed of to conceal the
evidence and when the informant went to the sasural of his
daughter and enquired about this he was assaulted by the family
members of in-laws of his daughter.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the aforesaid case. It has further been submitted that the petitioner and her husband have separate home and hearth from their sons from the year 2010 and the marriage was stated in the F.I.R. was solemnized in the year, 2009 but the exact date has not been specified, hence it is beyond the period of seven years. He submits that the marriage is of the year, 2005 and Section 304 (B) is not applicable. He further submits that the allegation is specifically against the husband and only general and omnibus allegation has been leveled against her.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner, in the event of her arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub- Divisional Judicial Magistrate, Raxaul at Motihari in connection with Adapur P.S. Case No. 34/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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