

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40049 of 2016

Arising Out of PS.Case No. -268 Year- 2016 Thana -PHULWARI District- PATNA

1. Aasha Devi W/o Sukesh Singh @ Mukesh Singh R/o Nawada, Purani Tola, P.S. Phulwarisharif, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate
Mr. Raj Kiashore Prasad, Advocate

For the State : Mr. Pancha Nand Pandit, A.P.P..

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends arrest in connection with Phulwarisharif P.S.Case No. 268/2016 for offences alleged under Sections 304 (B) 34 of the I.P.C. and 3/4 D. P. Act.

The prosecution case as lodged on the basis of the statement of the informant is that marriage of his sister, Mira Kumari had been solemnized with Aashish Kumar in the year 2012, but after some time, she was tortured by her in-laws family. On 10.05.2016 the father-in-law of his sister conveyed the information that his sister has fled away from in-laws house without giving any information. After hearing the news, the

informant came to the house of his sister, in the meantime, the Gardanibagh police came there with dead body of his sister through the S.S. hospital, Patna after treatment.

It has been submitted by the learned counsel for the petitioner that petitioner is mother-in-law of the deceased and no specific allegation has been levelled against her of mistreating and torture on the deceased, which resulted in the death of Mira Kumari (the deceased). It is also submitted that she is aged lady of 55 to 60 years and is under medical treatment of the Doctor. The deceased was suffering from 60 % Locomotive disability and the husband of the deceased is also a handicap and he is in jail custody since 10.05.2016. It has also been submitted that the petitioner (mother-in-law) of the deceased is living separately with her husband from her son and daughter in law (deceased).

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, since the petitioner is mother-in-law and the husband has already been arrested, let the above named petitioner, in the event of her arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with

two sureties of the like amount each to the satisfaction of learned
Judicial Magistrate, 1st class, Civil Court, Patna in connection with
Phulwarisharif P.S.Case No. 268/2016, subject to the conditions as
laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

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