

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27951 of 2018

Arising Out of PS. Case No.-2535 Year-2011 Thana- SARAN COMPLAINT CASE District-
Saran

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Kunti Devi, wife of Manshi Lal Singh Kushwaha @ Munshi Lal Singh
Kushwaha @ Manshi Prasad, resident of village + Post - Dhobbal, P.S.-
Baniyapur, District- Chapra at Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Arvind Kumar

For the Opposite Party/s : A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 09-05-2018 Heard Sri Arvind Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, apprehending her arrest in
connection with S. Tr. No. 36 of 2017 arising out of Complaint
Case No. 2535 of 2011 registered for the offence under
Sections 304B & 201 of the Indian Penal Code, 1860 , has
prayed for grant of bail in the event of her arrest or surrender.

Learned counsel for the petitioner submits that in the
present case it was alleged by the informant as if petitioner,
being mother-in-law was involved in the dowry death of her
daughter –in-law. Learned counsel for the petitioner has firstly
drawn my attention to Annexure – ‘2’ to the petition to show
that in respect of the same occurrence earlier, the present



complainant, had filed a complaint, which was referred to Police for its registration and investigation under Section 156 (3) of the Cr.P.C., and as such, an F.I.R. vide Baniyapur P.S. Case No. 142 of 2010 was instituted on 16.08.2010 for offence under Sections 304(B)/ 201/ 34 of the Indian Penal Code, 1860. After registering the case Police investigated the same and during investigation accusation was not found true, and as such, vide Annexure – ‘3’ final report vide Final Report No. 92 of 2011 was submitted on 31.03.2011 and petitioner’s name was included in column no. 12 of the charge- sheet meant for “accused not sent up for trial”. Learned counsel for the petitioner submits that thereafter, in the case, the earlier complainant filed a protest petition, which has been treated as complaint case and now the case has proceeded on the basis of the said complaint case.

Considering the fact that during statutory investigation, at first instance, accusation was not found true against the petitioner and the present case has been initiated on the basis of protest- cum- complaint petition, there is no reason to deny the prayer for grant of anticipatory bail to the petitioner. Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the sole petitioner namely,



Kunti Devi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 10th , Chapra at Saran / concerned court in connection with S.Tr. No. 36 of 2017 (arising out of Complaint Case No. 2535 of 2011) subject to the conditions as contemplated under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J)

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