

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61554 of 2019

Arising Out of PS. Case No.-131 Year-2019 Thana- BYPASS District- Patna

Asha Devi Wife of Umesh Mahto Resident of Mohalla - Bahari Begampur,
Mandaipar, P.S.- Bypass, District - Patna.

... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rudra Deo, Advocate.
For the informant	:	Mr. Subodh Kumar, Advocate.
For the Opposite Party/s	:	Mr. Pushpa Sinha-1, APP

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 498A/304 B/34 of the Indian
Penal Code.

Petitioner, who happens to be mother-in-law of the
daughter of the informant, is said to have committed dowry death
of her daughter in association of her family members . Petitioner
telephonically informed the informant about the death of her
daughter.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
She has been falsely implicated in this case. The petitioner has



neither made any dowry demand nor tormented the deceased for the said demand nor committed her murder over the said demand. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, the petitioner was living separately from the deceased and her husband along with her elder son, namely, Niraj Kumar and has no concern with the affairs of deceased and her husband. She had telephonically informed the mother of the deceased about her death which is admitted by the prosecution itself. She has also filed an informatory petition on 19.08.2018 before the learned Court below apprehending her false implication in the case at the hand of the informant. The doctor conducting the autopsy of the cadaver of the deceased has found injury of ligature mark of the size of 4 ½ cm below left ear lobule and 6 cm below right ear lobule but he has not found any ligature mark on the throat region. Though the doctor has opined the cause of death due to asphyxia. Moreover, the doctor has not found any injury on the person of the deceased. The petitioner has no criminal antecedent and has been languishing in custody since 13.05.2019. Similarly situated co-accused, namely, Niraj Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dt. 20.11.2019 passed in Cr. Misc. No.54576/ 2019, while Rinki Devi has



been granted bail by the learned lower Court.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Additional Chief Judicial Magistrate-IV, Patna City, Patna in connection with Bypass P.S. Case No.131 of 2019.

(Prakash Chandra Jaiswal, J)

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