

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64543 of 2018

Arising Out of PS. Case No.-233 Year-2016 Thana- GOPALPUR District-
Bhagalpur

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Premlata Devi @ Indu Devi Wife of Parmanand Yadav, Resident of Village-
Bhawanipur, Police Station- Gopalpur (Rangra O.P.), District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Viveka Nandsingh, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 03-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 304B/34 of the Indian Penal Code registered in connection with Gopalpur (Rangra) P.S. Case No. 233 of 2016.

3. It is submitted that the petitioner has been falsely implicated merely because she happens to be the mother-in-law of the deceased. The accusations are improbable in nature, considering that even Sabnam Kumari (Nanad) who is only 12 years old has also been implicated. The only accusation levelled against the petitioner and the said Sabnam Kumari is that they used to scuffle with the deceased demanding dowry. The husband of the deceased (son of the petitioner) is already in



custody. The petitioner claims clean antecedents.

4. A perusal of paragraph-51 of the case diary records the details of a request made by Parmanand Yadav, father-in-law of the deceased, who has not been made accused in the case, addressed to the Dy. Superintendent of Police, Naugachia with a request for having the matter investigated. It has been stated that on the relevant time, the petitioner had gone to her mother's place along with Sabnam Kumari. Pursuant to a dispute between the deceased and her husband, it was informed by nearby persons that the deceased had committed suicide.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Naugachia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 233 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar



offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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