

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 129 of 2020

Arising Out of PS. Case No.-234 Year-2018 Thana- BHAWANIPUR District- Purnia

POOJA DEVI, Wife of Rajesh Mallik, Resident of Village - Sondiha, P.S.-
Bhawanipur (Akbarpur), Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending her arrest in a case registered for the offence punishable under Sections 304 (B), 201 and 34 of the Indian Penal Code.

The allegation against the is that the petitioner along with other accused persons, killed the daughter of the informant by throwing her in the river.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case merely on the basis of the fact that they happen to the second wife of the husband of the deceased. It further submits that in any event the ingredients of the offence alleged under Section 304B of the Indian Penal Code and is not attracted in the absence of the



accusation of any demand for dowry. The petitioner is living separately and has no concern with the day-to-day matters of the deceased and her husband. The petitioner has got no criminal antecedent. The similar situated co-accused have been granted anticipatory bail by the Co-ordinate Benches of this Court vide order dated 24.10.2019 in Cr. Misc. No. 63750 of 2019 and order dated 06.11.2019 in Cr. Misc. No. 65362 of 2019.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Purnea, in connection with Bhawanipur (Akbarpur) P.S. Case No. 234 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and also subject to the following further condition:

(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) That the petitioner shall co-operate with the investigation, if not already concluded and make her 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 be well represented in court on each and every date during trial except as and when directed by the learned court below to the physically present and in the event of failure on two consecutive dates without sufficient reason, her bail bonds shall be liable to be cancelled by the learned court concerned.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

