

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3682 of 2020

Arising Out of PS. Case No.-612 Year-2016 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SUMITRA JAISWAL W/o - Rajesh Jaiswal Resident of Mohalla- Deepnagar,
Jaiswal Tola, P.S.- Kotwali, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv.
Ms. Babita Kumari. Adv.
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner, being the mother-in-law of the victim, has
preferred the present application for grant of anticipatory bail in
a case registered for the offences punishable under Sections
304B and 120B of the Indian Penal Code.

The prosecution case as per the written report of Ravindra
Kumar Jaiswal submitted before the S.H.O., Aadampur Police
Station is to the effect that the daughter of the informant,
Manisha Jaiswal was married with the son of the petitioner,
Mrigank @ Mintu Jaiswal on 07.12.2015. On 08.11.2016, the



informant was informed by the son of the petitioner that the victim got electrocuted. Thereafter, the informant made inquiry from his relatives and came to know that all the accused persons, including the petitioner have burnt her daughter to death after pouring kerosene oil.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general and the petitioner, being the mother-in-law of the victim, has falsely been roped in the present case. It is further submitted that the learned ADJ-I, Bhagalpur vide order dated 10.12.2019, passed in ABP No. 111 of 2018, while disposing of the application, directed not to take coercive steps against the petitioner till submission of charge-sheet. The relevant portion of the order reads as under :-

“Considering the facts and circumstances of the case at this stage no coercive step will be taken against the petitioner Sumitra Jaiswal till submission of the charge sheet.

It is further submitted that vide chargesheet No. 182 of 2018 on 20.12.2018, the petitioner was chargesheeted under Section 304B/120B/34 of the I.P.C. However, the husband of the victim, and others were chargesheeted in 2016, hence, they faced the trial vide S. T. No. 131 of 2017 and has been acquitted vide judgment dated 13.03.2019 by the 9th ADJ, Bhagalpur.



Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that the petitioner has enjoyed the privilege of provisional anticipatory bail for a considerable period, there is nothing on record to suggest that she has misused the privilege of bail and the main accused, the husband, has been acquitted, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned CJM, Bhagalpur, in connection with Kotwali (Adampur) P.S. Case No. 612 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on



furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Bhagalpur, in connection with Kotwali (Adampur) P.S. Case No. 612 of 2016.

The learned Court below will further be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

However, the learned Court below is at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

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