

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7142 of 2020

Arising Out of PS. Case No.-270 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

Khushboo Kumari @ Khusbu Devi, W/o Pramod Kumar Das, Resident of Ward No. 1, Bongu Sah Lane, Post- Champa Nagar. Maskand Bararipur, Mohanpur, P.S.- Nath Nagar, District- Bhagalpur, as per FIR resident of village- Sonudih, P.S.- Jagdishpur, District- Bhagalpur (Maika)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kashyap, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-07-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending her arrest in connection with Jagdishpur (Goradih) P.S. Case No. 270 of 2019, G.R. No.3590 of 2019 registered for the offence punishable under Section 304B/34 of the Indian Penal Code.



The allegation against all the accused persons, including the petitioner, is of killing the deceased lady on account of non-fulfilment of the demand for dowry.

Learned counsel for the petitioners submits that the petitioner is the married *Nanad* of the deceased and she has nothing to do with the allegations as made by the informant. There is general and omnibus allegation against the petitioner. The husband of the deceased lady is in jail. It is further submitted the petitioner is living separately from the family, with her husband at Purnia where her husband is posted as Community Coordinator and on the date of alleged occurrence she was not present at her *Maike*. In the post-mortem examination report, no external injury has been found on the person of the deceased so as to establish the cruelty inflicted upon the deceased. There is no further cogent material against the petitioner to connect her with the offence.

Learned APP for the State has opposed the prayer for pre-arrest bail submitting that it is a case of dowry death.

Considering the rival submissions, this Court is inclined to allow the prayer made on behalf of the petitioner for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the



event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIII, Bhagalpur, in connection with Jagdishpur (Goradih) P.S. Case No. 270 of 2019, G.R. No.3590 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

PNM

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

