

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22880 of 2020**

Arising Out of PS. Case No.-172 Year-2019 Thana- BELSAND District- Sitamarhi

SANGITA DEVI W/o Late Bhola Singh Resident of Village- Dumra, P.S.-
Belsand, Distt- Sitamarhi (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-12-2020 Heard learned counsel for the petitioner and Mr. Bharat
Bhushan, learned APP for the State.

The petitioner is the mother-in-law of the deceased. She is seeking pre-arrest bail in connection with Belsand P.S. Case No. 172 of 2019 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in course of investigation it has come that the son of this petitioner had married to the deceased while he was working at Delhi and had developed love affair with her. It has also come in course of investigation that at the time when the alleged occurrence took place, this petitioner was working in her field and she was not present in the house.

Learned counsel further submits that even the family members and relations of the deceased in their statements made in course of investigation have made allegations about the torture



against the husband of the deceased and so far as this petitioner is concerned, no independent witness has come forward to say that he /she had ever seen this petitioner abusing or assaulting the deceased.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but after going through the case diary confirms that in the case diary it has come that at the time of alleged occurrence this petitioner was working in her field and further that there is no independent witness in the case diary alleging that he/she had ever seen the petitioner indulged in abuse or any other kind of torture to the deceased.

Having regard to the facts and circumstances of the case, in the nature of the materials pointed out from the case diary, there being no specific material against the petitioner showing her indulgence in the alleged burning of the deceased, let the petitioner in the event of her arrest or surrender within a period of four weeks from today in connection with Belsand P.S. Case No. 172 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Sitamarhi, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/avin

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

