

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72349 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- JOGAPATTI District- West Champaran

Sumitra Devi, Wife of Madan Thakur, R/o Pipara Naurangiya, P.S.- Yogapatti,
District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

Petitioner in the present case is the wife of the Bhaisur
of the husband of the deceased lady who is seeking regular bail
in connection with Yogapatti P.S. Case No. 44 of 2019
registered for the offences punishable under Sections 302,
201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from
the F.I.R. itself it would appear that the marriage of the deceased
lady had taken place with the younger brother of the husband of
this petitioner about 27 years back. In the F.I.R. it has also come
that since the marriage she was residing in her Sasural with love
and affection from her husband and there were five children out
of the said wedlock. It has also come that one of the children of



the deceased lady was allegedly adopted by this petitioner but thereafter the allegation is that the petitioner had developed illicit relationship with the husband of the deceased lady and the same was being opposed by the deceased on which she was being tortured. The allegation is that the deceased lady was killed by the accused persons by pressing her neck on 30.01.2019 and the dead body was cremated.

It is the submission of learned counsel for the petitioner that the allegations are false and have been concocted at this stage just to harass each and every member of the family related to the husband of the deceased lady. The marriage is 27 years old and the allegation of having illicit relationship is totally baseless and there is no prima-facie material to connect this allegation with this petitioner and further that the allegation that all the co-accused had together pressed the neck of the deceased are vague and general kind of allegations. It is further submitted that the husband of this petitioner has been granted regular bail by a learned Co-ordinate Bench of this Court vide order dated 18.10.2019 passed in Cr. Misc. No. 59313 of 2019.

Learned counsel for the informant has opposed the prayer for regular bail of the petitioner as according to him because of the illicit relationship developed by the petitioner



with the husband of the deceased lady the alleged occurrence has taken place.

Considering the facts and circumstances of the case and the submission particularly that the marriage between the deceased lady and her husband had taken place 27 years back and there were five children out of the said marriage and one of them was allegedly adopted by this petitioner and that the deceased lady was living with her husband with all love and affection, the husband of the petitioner having been granted regular bail by a learned Co-ordinate Bench of this Court, let the petitioner above named be released on bail in connection with Yogapatti P.S. Case No. 44 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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