

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76567 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- LADANIA District- Madhubani

PHULKUMARI DEVI Wife of Late Ghuran Nayak Resident of Village-
Birpur, Pipron P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Adv. Mr. Gagan Deo Yadav, Adv.
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 02-07-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Ladaniya P.S. Case No. 126 of 2019, disclosing offence punishable under Sections 304-B, 201, 34 of the Indian Penal Code.

The petitioner is the mother-in-law of the deceased, who is in custody since 19.07.2019. When the matter was taken up on 17.03.2020, following order was passed by this Court :-

“Let an affidavit be filed to be sworn by learned counsel for the petitioner himself, stating the source from where he procured ticket of e-Court Fee, which has been filed along with this application.

Let Registry submit a report as to whether the court-fee is fake or not.

List this case on 07.04.2020.”



In compliance of the said order an affidavit has been filed sworn by Mr. Gagan Deo Yadav, learned Advocate on record representing the petitioner himself. Following statements have been made in paragraphs 4, 5 and 6 of the said affidavit.

“4. That Sri Lal Babu Yadav, son of Sri Ram Chatritar Yadav was working with the Deponent as Advocate Clerk at the relevant time when present case was filed having renewed registration no. 390/2020 who got petition typed after draft was prepared and also identified the deponent filing affidavit of petitioner/ or relative (pairvikar) in the case as required under law as well as to get Stamp/ E-Court fees affixed on petition, Vakalatnama, affidavit and other portions of petition as per requirement.

5. That in instant case also said Sri Lal Babu Yadav (registered advocate clerk) get the petition and affidavit stamped with relevant E-Court fees as required under law. Sri Lal Bbu Yadav affixed court fee, E-Court fees on the petition, Vakalatnama and affidavit portion as well as wherever required.

6. That it is very sorry affair in present matter and the deponent was shocked when he learnt that E-Court Fee affixed on instant bail application is not genuine and as soon as Deponent learnt about this sorry affair, the deponent left to take work/ assistance of Sri Lal Babu Yadav.”

It is, thus, not in dispute that a fake E-Court Fee was



filed with this application at the time of its filing.

Coming to the merits of the case, allegedly in-laws of the deceased used to make demand of dowry. The deceased died within few months of marriage.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that there is no specific allegation against the petitioner of making any demand for dowry. He has submitted that it is incorrect to say that the dead body of the deceased was cremated without informing the informant.

Considering the facts and circumstances and prevailing pandemic, this application is allowed. Let the petitioners, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), each with two sureties of the like amount, each to the satisfaction of learned ACJM-IV, Madhubani in Ladaniya P.S. Case No. 126 of 2019.

Learned counsel for the petitioner must ensure that genuine court fee is deposited within three months from today.

(Chakradhari Sharan Singh, J)

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