

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36 of 2020

Arising Out of PS. Case No.-704 Year-2019 Thana- SAHARSA District- Saharsa

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1. Vimal Devi Wife of Bajrangi Sah
 2. Subhash Sah Son of Bajrangi Sah
- Both are residents of Village - Nariyar Ward No. 3 Tole Lataha, P.S.- Saharsa, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 17-02-2020 Learned counsel for the petitioners submits that the petitioner no.2 has already been arrested and seeks permission to withdraw this application as against petitioner no.2.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn as against petitioner no.2.

Heard learned counsel for the parties.

Petitioner no.1 apprehends her arrest in a case registered for the offence punishable under sections 304(B)/201/34 of the Indian Penal Code.

Allegation is against the petitioner is that due to non-fulfillment of demand of dowry, petitioner no.1 including other co-accused persons killed the victim.

It has been submitted on behalf of the petitioners that the petitioner no.1 has falsely been implicated in this case. It has further been submitted that petitioner no.1 is mother-in-law of 60 years old and the allegation against petitioner no.1 is general and omnibus in nature. It has further been submitted that the



husband of the victim is in jail. The petitioner no.1 is suffering from old age ailments. The petitioner no.1 has no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner no.1 be enlarged 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 704 of 2019, on the following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.
- (2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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