

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87050 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

JHAROKHA DEVI Wife of Lalu Mahto Resident of Village- Narwara, P.S.-
Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Hans Lal Kumar
For the Opposite Party/s :	Mr.Mohammed Arif
	Mr. Ashok Kumar , APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 27-05-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Tariyani P.S. Case No. 42 of 2019, registered for the offence
punishable under Sections 302 and 201/34 of the Indian Penal
Code.

The case of the prosecution in brief is that the informant
had solemnized marriage of his daughter, Fulo Devi with one
Baleshwar Mahto, 10 years ago and out of the said wedlock,
three sons were born. It is further alleged that on 24.2.2019 in
the morning, the son-in-law of the informant gave information
to the informant that the daughter of the informant is ill,
whereafter the informant along with the co-villagers had gone to



his son-in-law's house and saw that the house was open and upon inquiry made from the neighbours, it transpired that the accused persons named in the FIR had murdered the daughter of the informant by means of rope and had hid her dead body.

The learned counsel for the petitioner submits that the petitioner is the mother-in-law of the deceased victim lady aged about 65 years, she is having a clean antecedent and she is languishing in custody since 18.8.2019. It is further submitted that a general and omnibus allegation has been levelled and as far as the petitioner is concerned, no specific allegation of any sort has been levelled hence, she is liable to be granted the privilege of bail. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 16.10.2019 passed in Criminal Miscellaneous No. 61830 of 2019. Lastly, it is submitted, by referring to paragraph no. 15 of the present petition, that the husband of the deceased, namely, Baleshwar Mahto, who is separate in mess and business from the petitioner, is in custody since a long time, hence, no prejudice would be caused if the petitioner is granted the privilege of regular bail.

Having regard to the facts and circumstances of the case,



considering the fact that the petitioner is an old lady aged about 65 years, stated to be the mother-in-law of the victim girl and the husband of the victim girl is in custody as also taking into account the parity of the case of the petitioner with that of the co-accused persons, who have been granted bail by the coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on bail upon her furnishing personal bond to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 42 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 42 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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