

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37456 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- KUMAR KHAND District- Madhepura

Chandrakala Devi, Wife of Shiv Narayan Rishideo, R/o Village- Belari Ward
No.5, P.S.- Kumarkhand, Dist- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 14-12-2021 The applicant/accused in Crime No. 296 of 2020 registered with Kumarkhand (Belari) Police Station for the offences punishable under Section 304(B) r/w Section 34 of the Indian Penal Code at the instance of first informant Budhni Devi, by this application is seeking her release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that omnibus allegations are made against the applicant who happens to be a mother-in-law of the deceased and being a lady of an advance age she needs to be released on bail.

The learned Additional Prosecutor submits that the Court should itself call the case diary. Apart from this, he has not argued anything.



I have considered the submissions so advanced. It is not the job of the Court to call for the case diary. It is for the prosecutor to be ready with the case diary if he wants to oppose the bail application.

Be that as it may, the applicant is mother-in-law of the deceased Lalita Devi. The FIR lodged by the first informant/mother shows that Lalita Devi married to Mukesh Rishi seven years prior to the incident. It is alleged in the FIR that matrimonial relatives of Lalita Devi were demanding a buffalo from Lalita Devi and on refusal they used to subject her cruelty. Ultimately Lalita Devi died because asphyxia due to strangulation.

The investigation of the crime in question is over. The applicant is behind the bars from 29.11.2020. The applicant is lady of advance age. Her further pretrial detention is not warranted and hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 296 of 2020 registered with Kumarkhand (Belari) Police Station for the offences punishable under Section 304(B) r/w Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the



like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against her so as to dissuade her from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against her.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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