

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38263 of 2021**

Arising Out of PS. Case No.-276 Year-2020 Thana- KATRA District- Muzaffarpur

CHANDRAKALA DEVI Wife of Mohan Mandal Resident of Village-
Dumari, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Katra P.S. Case No. 276 of 2020 registered for the offence under Sections 304(B) of the Indian Penal Code.

The petitioner along with others are said to have assaulted the daughter of the deceased on account of non-fulfillment of demand of dowry as a result of which she died.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner



happens to be mother-in-law of the deceased and she used to live separately from her son and the deceased. She has no concern with the internal affairs of her son and the deceased. As a matter of fact, the alleged occurrence is said to have taken place on 19.12.2020 whereas the instant F.I.R. has been instituted on 21.12.2020 after lapse of two days without explaining the plausible delay. The inordinate delay itself creates doubt over the prosecution version. Not only that she has never demanded even a single farthing against the dowry from the deceased nor she has assaulted her in any manner. No specific allegation of assault or any overt act is attributed to the petitioner. The petitioner is rotting in judicial custody since 22.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur in connection with Katra P.S. Case No. 276 of 2020 with 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 on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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