

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36524 of 2020**

Arising Out of PS. Case No.-227 Year-2020 Thana- KESARIA District- East Champaran

LALPARI DEVI @ RAJKALI DEVI, Wife of Kapildeo Rai, Resident of
Village - Bariya, P.S. Kesaria, District - East Champaran. Petitioner
Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 07-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dashrath Mehta, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kesaria P.S. Case No. 227 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from perusal of the F.I.R. it will appear that the marriage of the informant's daughter was solemnized 16 years ago with the son of the petitioner and from the said wedlock three daughters and one son born. It is alleged that since last two years the husband and the other family members used to assault her and asked her to bring Rs. 1,00,000/- from the informant and lastly it is alleged that his



daughter was killed by hanging.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is mother-in-law of the deceased and the marriage between the deceased and the son of this petitioner had taken place about 16 years ago. The husband of the deceased is already in custody. The petitioner is in custody since 02.07.2020.

Mr. Dashrath Mehta, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the mother-in-law of the deceased, the marriage between the deceased and the son of this petitioner had taken place about 16 years ago, in the F.I.R. the thrust of the allegations are against the husband who is already in custody as stated in paragraph '10' of the petition, the petitioner is in custody since 02.07.2020, investigation against her is complete and the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kesaria P.S. Case No. 227 of 2020, subject to the



condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 concealed her 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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

