

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39098 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- BELAGANJ District- Gaya

=====

Malti Devi Wife of Munni Yadav R/o Village- Bataspur, P.S.-Belaganj,
District- Gaya Petitioner

Versus

THE STATE OF BIHAR Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-02-2021 As prayed, learned counsel for the petitioner is permitted
to add the police station name in the title portion of the application.

Heard learned counsel for the petitioner and Mr. Atul
Chandra, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in
connection with Belaganj P.S. Case No. 38 of 2020 registered for the
offences punishable under Sections 304(B)/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that the petitioner is the mother-in-law of
the deceased and she was working as Rasoiya-cum-Sahaika in
primary school when the alleged occurrence took place on
03.02.2020.

Learned counsel submits that the husband of the
deceased is said to have died in a road accident after lodgement of
the First Information Report and the victim had herself committed



suicide. It is submitted that the petitioner is in judicial custody since 04.02.2020.

Mr. Atul Chandra, learned A.P.P. for the state is present and 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, it is submitted that she was working as Rasoia-cum-Sahaika in primary school when the alleged occurrence took place on 03.02.2020 and the husband of the deceased is said to have died in a road accident after lodgement of the case, and that the victim had herself committed suicide, considering that the petitioner has remained in jail for over one year by now and the trial is not likely to be concluded in near future as also that there is no submission on behalf of the State that release of the petitioner is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XI, Gaya in connection with Belaganj P.S. Case No. 38 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 has 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.

And further condition that she will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.

