

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37480 of 2020

Arising Out of PS. Case No.-470 Year-2019 Thana- KESARIA District- East Champaran

Lal Mati Devi aged about 55 years W/o Rameshankar Ram @ Rama Shankar Ram R/o village- Sobeya Tola Kaswa, P.S.- Kesariya, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under section 304B and other ancillary sections of the Indian Penal Code.

As per the prosecution case, informant's sister was married to the son of the petitioner on 3.6.2019 and soon thereafter on 21.9.2019 informant received information that his sister got missing. Informant claimed that the petitioner and her family members killed her for dowry and cremated the dead body secretly.

Learned counsel for the petitioner submits that the petitioner is mother-in-law of the deceased and she lives separately with the victim and her husband and has no concern



with their routine affairs. It is further submitted that the victim was previously married with someone and during course of investigation evidence has been collected to the effect that she left the matrimonial house at her own and became traceless. There is delay in lodging of the FIR as the informant received information on 21.9.2019 that his sister was traceless but he informed the police on 26.9.2019 without giving any cogent explanation of delay. Similarly situated co-accused have already been allowed anticipatory bail by a co-ordinate bench of this Court vide Annexure 2. Charge sheet has already been submitted. Petitioner is in custody since 9.6.2020.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner in league with her family members killed informant's sister in a planned conspiracy.

Considering the facts of the case and the fact that the charge sheet has already been submitted and there is general and omnibus allegation against her, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, East Champaran at Motihari in Kesariya Police Station Case No. 470 of 2019 on 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 cancelled 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.

(Prabhat Kumar Singh, J)

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