

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41093 of 2020

Arising Out of PS. Case No.-100 Year-2020 Thana- HABIBPUR District- Bhagalpur

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1. SHUSHILA DEVI, W/o Suresh Mandal, Resident of Village - Takichak Salehpur Road, P.S.- Habibpur, Distt.- Bhagalpur, Presently residing at Koyri Tola, Babibpur Shivaji Nagar, P.S.- Habibpur, Distt.- Bhagalpur
 2. Govind Mandal @ Govind Kumar, Son of Suresh Mandal, Resident of Village - Takichak Salehpur Road, P.S.- Habibpur, Distt.- Bhagalpur, Presently residing at Koyri Tola, Babibpur Shivaji Nagar, P.S.- Habibpur, Distt.- Bhagalpur
- ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ranjan Kumar Jha, Adv.
For the Opposite Party : Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 25-03-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 29.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

The learned counsel for the petitioners seeks permission to withdraw this application, as the petitioner no. 2, Govind Mandal @ Govind Kumar, during the pendency of this application, has been taken into custody.

Prayer is allowed.

Accordingly, it stands **dismissed as withdrawn** so far it relates to petitioner no. 2, Govind Mandal @ Govind Kumar.

Heard learned counsel for the petitioner no. 1, Shushila Devi, and learned Additional Public Prosecutor for the state in Virtual Court.



The petitioner no. 1, Shushila Devi, seeks pre-arrest bail in connection with Habibpur P.S. Case No. 100 of 2020, registered under Section 302/34 of the Indian Penal Code.

The accusation is that the marriage of the daughter of the informant, Maya Devi, was performed before nine years with Gopal Mandal, son of Suresh Mandal, resident of village Takichak Salehpur Road, P.S. Habibpur, district Bhagalpur. Her son-in-law, Gopal Mandal, was having greedy eye in respect to property developed physical relation with his sister-in-law, Arti Devi, which was protested by her daughter, Kamni Kumari, due to that reason, since before three years her daughter was being tortured, thereafter, Panchayati was arranged. Before four days of her daughter, Kamini Kumari, was again removed from matrimonial house and matter was pacified and her daughter went her sasural. But, on 10.07.2020, in the evening, she received information that her daughter, Kamini Kumari, is seriously ill. When she went to Bhagalpur, then, came to know that her daughter has died. On query, she was informed that her daughter has committed suicide by hanging. Informant claimed that her daughter has been killed by her husband, Gopal Mandal, and other in-laws.

Submission is that petitioner no. 1, Shushila Devi, is



the mother-in-law of the deceased daughter of the informant.
She used to reside separate with her husband, Suresh Mandal.

Sri Ranjan Kumar Jha, learned counsel appearing for petitioner no. 1, further, submits, at the Bar, that after filing the present application, Gopal Mandal, husband of the deceased, surrendered before the trial Court in the month of January, 2021, and he is in custody. Petitioner no. 1 is lady and has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Habibpur P.S. Case No. 100 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, IX, Bhagalpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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