

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7084 of 2021**

Arising Out of PS. Case No.-226 Year-2020 Thana- DARAUNDA District- Siwan

Rukmani Devi Wife Of Kamal Giri R/O Village- Chintamanpur, P.O.- K.T. Bharauli, P.S.- Daraunda, District- Siwan (BIHAR).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raju Giri, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

2 17-04-2021 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 learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Daraunda P.S. Case No. 226 of 2020 registered for the offences punishable under Section 304(B), 120(B) & 34 of the Indian Penal Code.

As per the prosecution story, the marriage of Arti Kumari was solemnized with Ashish Giri @ Bhrigunath Giri in the year 2016. At the time of marriage the boy had demanded a motorcycle and golden chain but due to poverty the demand was not fulfilled. It is alleged that the petitioner in conspiracy with



other accused persons killed the daughter of the informant by pressing her neck. On getting information, the informant and other family members went to the house of the boy and saw the dead body of the deceased.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that in the F.I.R. there is general and omnibus allegation against each and every members of the family of the husband, however petitioner is in custody since 15.08.2020 having no criminal antecedent.

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 it is the submission of learned counsel for the petitioner that in the F.I.R. there is general and omnibus allegation against each and every members of the family of the husband, so far as the present petitioner is concerned he is an old aged mother-in-law of the victim, the husband of the victim is already in custody, the petitioner has remained in jail since 15.08.2020, investigation against her is complete and further incarceration of the petitioner in jail is not likely to come in aid of investigation or prosecution, there being no submission on



behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering 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 Judicial Magistrate – 1st Class, Siwan, in connection with Daraunda P.S. Case No. 226/2020, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

