

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11378 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- BARARI District- Katihar

SUNITA DEVI wife of Vijay Sahani Resident of Village- Dahara Bishanpur,
P.S.- Barari (Semapur), District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Awadhesh Kumar Mishra, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 15-07-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*) for the
State.

The petitioner seeks bail in Barari (Semapur) Police
Station (for brevity, *PS*) Case No 222 of 2020 instituted for the
offence punishable under Sections 304B/34 of Indian Penal
Code.

There is allegation that the informant's daughter has
been killed by her husband in her matrimonial home by
suffocating her with a pillow.

It is submitted by petitioner's counsel that the victim



in fact had drowned. The detailed narration of the manner, in which the occurrence has allegedly occurred, is highly doubtful since informant is not an eye witness to the occurrence. This itself casts a suspicion in the prosecution case. By virtue of being mother-in-law, the petitioner has been implicated in this case falsely. The husband, who owns prime responsibility for the honour, dignity and safety of his wife, is in custody. Petitioner is in custody since 02.09.2020.

Learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate V, Katihar in connection with Barari (Salempur) PS Case No 222 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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