

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3033 of 2022

Arising Out of PS. Case No.-172 Year-2018 Thana- PHULPARAS District- Madhubani

Daijee Devi @ Dayabanti Devi, Wife Of Ramchandra Das, R/O Village-
Hulaspatti, Jageshwar Asthan, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Kumari Shubham, Advocate

For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Phulparas P.S. Case No. 172 of 2018, registered
for the alleged offences under Section 364 of the Indian Penal
Code, but the charge sheet has been submitted under Sections
302, 304 (B), 201, 120 B and 34 of the Indian Penal Code.

As per prosecution case, the informant gave a written
report regarding torture and demand of dowry against the co-
accused husband of his deceased sister. The petitioner is the
mother-in-law of the deceased.

The learned counsel for the petitioner submits that the



petitioner is not named in the FIR and no allegation has been levelled against her. There is no specific allegation against the petitioner and the allegations are general and omnibus. The petitioner never demanded any dowry and merely a bald allegation has been levelled in this regard. The deceased left her house on her own and then her dead body was recovered and in the post mortem report the fact came to the notice that her death has been caused due to asphyxia caused by drowning. No cogent material has come up against the petitioner during investigation. The petitioner is in custody since 24.06.2021. The other co-accused persons, who were similarly placed, have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 08.04.2021 passed in Cr. Misc. No. 378 of 2021.

Learned APP opposes the prayer for bail.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the fact that the allegations are not specific against the petitioner who is stated to be the mother-in-law of the deceased and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, Jhanjharpur, Madhubani/court concerned, in connection with Phulparas P.S. Case No. 172 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

