

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4982 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- SURYAPURA District- Rohtas

Kalawati Devi, Wife of Late Juit Paswan, Resident of Village - Barun Tand,
Police Station - Suryapura, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s: Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be re-
moved within a period of four weeks.

In the present case, the petitioner seeks bail in connec-
tion with Suryapura P.S. Case No. 64 of 2021 registered for the
alleged offences under Sections 304(B) and 34 of the Indian Pe-
nal Code.

As per prosecution case, the marriage of the daughter
of the informant was solemnized with the son of the petitioner
in year 2017. Within 7 years of marriage she was found dead as
she was found hanging from ceiling. Allegation against the pe-
titioner and other co-accused persons is that they killed the
daughter of the informant and the co-accused husband of the de-



ceased used to demand a motorcycle and further used to torture and assault the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was the mother-in-law of the deceased and she is 60 years old and she used to live separate from the deceased and husband. If any demand of motorcycle was made from the petitioner, the petitioner could not be a beneficiary and the said allegation is against the co-accused husband and the deceased. Moreover, this story of demand of motorcycle is false and fabricated as both the deceased and the son of the petitioner solemnized marriage on their own in a temple supported with an affidavit. So it does not strike to senses the co-accused husband demanded motorcycle. Learned counsel further submits that it was the husband who himself intimated about the incident to the informant and others. Learned counsel further submits that no mark of violence has been found on the person of the deceased except for the ligature mark upon the neck going upwards on both side which indicates hanging. Learned counsel further submits that all the witnesses and in-laws found the dead body of the victim hanging and same was the position when the police arrived at the spot. Learned counsel further submits that



the petitioner is in custody since 07.08.2021 and charge-sheet has been submitted. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner is the mother-in-law of the deceased and she along with other co-accused persons caused dowry death of the deceased.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is stated to be the mother-in-law and there is mostly general and vague allegation against her and further considering the clean antecedent of the petitioner along with the period of the custody and 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 Judicial Magistrate 1st Class, Bikramganj, District-Rohtas in connection with Suryapura P.S. Case No. 64 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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.

(Arun Kumar Jha, J)

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