

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6172 of 2022

Arising Out of PS. Case No.-205 Year-2021 Thana- BABUBARHI District- Madhubani

Sudama Devi, wife of Shri Narayan Mahto @ Ram Narayan Mahto, aged about 66 years (Female), resident of village- Sonmati, P.O.- Pathrahi, P.S.- Babubarhi, District- Madhubani, PIN- 747227

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Saha

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 201/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a lady aged about 66 years and the informant alleges that his son Deepak Kumar Mahto after marriage living in his sasural and on 30.08.2021 at 10.30 P.M., someone telephonically informed him that his son has been killed at his matrimonial home. It is next alleged that the informant thereafter inquired into the matter and came to know that eight persons including the petitioner were involved in killing of his son. It is further alleged that even the dead body was cremated without informing the informant and his family members.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the deceased was married to Munchun Devi, the daughter of the petitioner. It is next submitted that Munchun Devi had filed M.R. Case No.85 of 2021 in the Court of learned Principal Judge, Family Court, Madhubani on 20.03.2021 wherein she had alleged that she was married to the deceased on 16.04.2017 and was living peacefully with her husband at her matrimonial home and out of the wedlock, children were born, but after the birth of the daughter, the deceased started demanding Rs.5 Lacs. It is further alleged that Munchun Devi was ousted from her matrimonial home on 01.06.2020. The learned counsel submits that from perusal of the maintenance case filed by Munchun Devi, it would manifest that she was married to the deceased and out of the wedlock, children were born and after the birth of the daughter, dispute arose which led to the ousted of Munchun Devi from her matrimonial home. It is thus submitted that admittedly the relationship between the husband and wife was strained. For the reason as stated in the maintenance case that the deceased had married with Mausmi Kumari on 02.01.2021. The learned counsel thus submits that since the deceased was not staying with his wife and the



relationship was strained, as such, even the petitioner and her family members are completely aghast that such a false case came to be instituted against them.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner is the mother-in-law and Munchun Devi had already filed the aforesaid case as stated herein above, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Babubarhi P. S. Case No.205 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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