

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22523 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- HUSSAINGANJ District- Siwan

LALWATI DEVI @ LALMATI DEVI WIFE OF KRISHNA MAHTO R/O
VILLAGE- CHHATA, P.S.- HUSSAINGANJ, DISTRICT- SIWAN.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate.
For the State : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 17-01-2022 The applicant/accused in Crime No.317 of 2020 registered with Police Station-Hussainganj for the offences punishable under Sections 304(B), 120(B) read with Section 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, by this application is seeking her release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/accused. He submits that the applicant is behind the bars from 17.11.2020 and after filing of the chargesheet her further pretrial detention is not warranted.

The learned A.P.P. opposed the application by contending that on account of demand of dowry the applicant and other accused persons caused dowry death of Sindhu Devi.

I have considered the submissions so advanced and also



perused the materials placed before me including the case diary.

Nirmala Devi mother of the deceased Sindhu Devi had lodged F.I.R. on 16.11.2020 reporting unnatural death of her daughter on account of demand of dowry by the accused persons. Her daughter Sindhu Devi married Pradeep Mahto on 09.05.2018. The applicant is mother of Pradeep Mahto. It is alleged by the first informant that after marriage the applicant and other co-accused used to demand dowry of Rs.1,00,000/- and a motorcycle and on refusal they used to beat Sindhu Devi. Ultimately Sindhu Devi was found dead on 16.11.2020 and cause of her death is asphyxia due to strangulation.

The investigation of the crime in question is already over. The applicant is behind the bars from 17.11.2020.

As the investigation of the crime in question is already over and the trial is pending, I see no reason to deny bail to the applicant who is aged women. Therefore the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.317 of 2020 registered with Police Station-Hussainganj for the offences punishable under Sections 304(B), 120(B) read with Section 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, be released on bail on executing P.R. bond of



Rs.15000/-(Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against her so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against her.
- (III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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