

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14113 of 2022

Arising Out of PS. Case No.-956 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Meena Devi, wife of Manikant Jha, Resident of Village- Gotam Nagar Ward
No. 11, P.S. - Saharsa, Dist. - Saharsa.

... .. 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. Uday Pratap Singh, APP
For the Informant	:	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Chandra Mohan Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Saharsa P.S. Case No. 956 of 2021 registered for the offences punishable under Sections 304B, 302, 120B/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the marriage of the sister of the informant was solemnized with Suman Kumar Jha on 10.06.2019 and soon thereafter the victim was subjected to torture for demand of dowry of Rs.5,00,000/-. It is



further alleged that a compromise had also been arrived at between the parties with mutual consent, but the accused persons continuously tortured the victim. It is further alleged that on 14.12.2021 the informant received an information that the victim was done to death by the accused persons including the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner happens to be the mother-in-law of the deceased and there is general and omnibus allegation against all the accused persons. However, learned counsel for the petitioner has drawn the attention of this Court to the petition filed by the deceased wherein she has categorically stated that the marriage was an ideal marriage and the allegation of torture for demand of dowry is palpably incorrect and false and she is living happily in her Sasural with her in-laws. It is further submitted that prior to the alleged occurrence, a partition has also taken place amongst the two sons of the petitioner and they have been living separately. It is next submitted that on the alleged date of occurrence, the petitioner and her husband were not even present in the house and they had gone to attend the Shradh ceremony and this fact has also been supported by the several villagers and in support



of the same a public petition has also been filed, which is brought on record by way of Annexure-3 to this petition. It is lastly submitted that the petitioner is in custody since 15.12.2021 having fair antecedent.

On the other hand learned APP for the State vehemently opposes the bail application and submits that from the impugned order it appears that the cause of death is asphyxia due to strangulation and there is allegation of demand of dowry and torture against all the accused persons.

Having considered the submissions made on behalf of the parties and taking into consideration the materials available on record as also the letter of the deceased and the public petition showing the fact that the petitioner and her husband was not even present at the time of alleged occurrence and she being a lady is in custody since 15.12.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 956 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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