

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18612 of 2022

Arising Out of PS. Case No.-351 Year-2021 Thana- ROSERA District- Samastipur

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NAGINA DEVI Wife of Sri Bipin Rai Resident of Village - Darha, Ward No.-
12, P.S.- Rosera, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-07-2022 The present matter has been listed under the heading “To Be Mentioned” on the basis of motion slip filed on behalf of the petitioner.

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

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Rosera P.S. Case No. 351 of 2021 registered for the offences punishable under Sections 498(A), 304(B) and 34 of the



Indian Penal Code.

As per prosecution case, the informant gave a written statement against the petitioner and others stating therein that his sister was married with the son of the petitioner according to Hindu customs and rituals three years ago. It has been alleged that informant received information on his mobile on 12.11.2021 at about 7.30 a.m. that his sister died due to sustaining electric shock. The said information was given by his brother-in-law namely Rohit Rai. After receiving the information, the informant and his five to seven relatives and well-wishers reached at the house of his sister at Village- Darha where they saw dead body of informant's sister and also black spot on the neck of the dead body. After being enquired about the same from the local people they told that she died due to hanging. It is further alleged that the family members of his sister used to torture her physically and mentally for demand of dowry and she was also ill-treated for not bringing dowry amount. The father of the informant always tried his best to normalize the relationship between the families.

Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. He further submits that petitioner is in custody since 13.11.2021. Petitioner bears no criminal antecedent. Petitioner is mother-in-law of the deceased. Petitioner and her husband both are living separately from the husband of the deceased after marriage of her son and the son of petitioner has much cordial relation with the deceased and they never subjected her to cruelty for demand of dowry and the informant and witnesses are not the eye witness and the informant lodged this case on suspicion with intention to extort money from the petitioner after putting pressure of this case. He also submitted that deceased was a short-tempered lady and after a hot-talk with her husband, she committed suicide in her room. Petitioner has denied the allegation and claimed false implication in this case. He further submits that it is well settled principle of criminal jurisprudence that act alone does not amount to guilt and it must be accompanied by guilty mind and in the present case the entire case as well as prosecution story fails on this point alone. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. There is no specific allegation against the petitioner.

The learned A.P.P. for the State opposes the



prayer for bail of the petitioner.

Considering the facts and circumstances of the case, petitioner is mother-in-law of the deceased, as submitted she has separate mess from her son and deceased, period of custody, keeping in view clean antecedent of petitioner and in mentioning slip it has been mentioned that petitioner is seriously ill and there is no specific allegation against the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Rosera P.S. Case No. 351 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence



or the witnesses, in that case, the prosecution will be at liberty
to move for cancellation of bail.

(Alok Kumar Pandey, J)

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