

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28316 of 2021

Arising Out of PS. Case No.-660 Year-2020 Thana- MAHUA District- Vaishali

MACHIYA DEVI Wife of Umakant Rai Resident of Village - Rasulpur
Mobarak, P.S. - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, App.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 03-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 15.11.2020,
seeks regular bail in connection with Mahua P.S. Case No. 660
of 2020 for the offence punishable under Sections 498A, 302
and 201 of the Indian Penal Code.

The allegation is of commission of murder of the
daughter of the informant by her in-laws for non-fulfillment of
dowry demand.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and she has falsely been implicated in this case. He further submits that the petitioner is mother-in-law of the deceased Punam Kumari and there is no specific allegation that who had committed the murder of the daughter of the informant. There is general and omnibus allegation against the named accused persons in the F.I.R. including the petitioner that all of them subjected the daughter of the informant to torture and cruelty for non-fulfillment of dowry demand and committed her murder. Further case of the petitioner is that the marriage of the deceased with the son of the petitioner had taken place on 07.07.2008 and her murder was committed on 12.11.2020 and no one has seen that the dead body was carried by the petitioner along with other accused persons named in the F.I.R. by vehicle No. BR 31 JA 7259. The son of the deceased namely Rishav Raj has not been examined by the investigating officer. The petitioner has made specific statement in Para-9 of the petition that the deceased was living along with her husband at the place of his posting. Petitioner is in custody since 15.11.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that there is involvement of the present petitioner in committing murder of



the daughter of the informant and from F.I.R. itself it appears that way back in 2012, an informatory petition was filed before the concerned police station. It is also apparent from the investigation that the dead body of the daughter of the informant was removed by vehicle bearing registration no. BR 31 JA 7259 and the dead body was disposed of at a secret place and the same has not been recovered till date. There is also allegation of physical assault by six named accused persons including the present petitioner as well as of having demanded 10 lacs rupees and a gold chain. The petitioner has committed a heinous crime and a serious allegation has been made against her of murder, hence the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, though there is serious allegation of committing murder of her daughter-in-law against the petitioner, but there is nothing on record to substantiate that the deceased used to live along with the petitioner nor in course of investigation it has come that the deceased used to live along with her in-laws rather the petitioner has made specific statement in Para-9 of the bail petition that the deceased used to live along with her husband who works in Indian Army and out of their wedlock, the deceased was blessed with a son. The very



intent of committing murder by this petitioner is not made out nor any independent witness in course of investigation has supported the alleged allegation against the petitioner. The petitioner is mother-in-law of the deceased and is in custody since 15.11.2020. Hence in my opinion, the petitioner has made out a prima facie case to be released on bail. This Court directs to enlarge the petitioner, above named, on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-VIII, Vaishali at Hajipur in connection with Mahua P.S. Case No. 660 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

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