

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30891 of 2021**

Arising Out of PS. Case No.-39 Year-2021 Thana- DUMRAO District- Buxar

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KIRAN DEVI W/o Manoj Chaudhary R/o Village- Kahiyan, P.S.- Dumraon,
Dist- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 07-02-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Dumraon P.S. Case No. 39 of 2021 registered for the offence
under Sections 304(B) and 34 of the Indian Penal Code.

The daughter of the informant is subjected to
torture and assault and she has been done to death by
strangulating her neck by the accused persons including the
petitioner on account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner happens to be mother-in-law of the deceased and she has never demanded any dowry nor she has assaulted the deceased in any manner. There is general and omnibus allegation against the petitioner and no specific allegation of any overt act is attributed to her. As a matter of fact, the deceased has committed suicide as she has performed marriage with the son of the petitioner on the pressure made by her family members. Moreover, the petitioner has been living separately from the deceased and his son. The petitioner, who is a lady, is rotting in judicial custody since 27.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submitted that the daughter of the informant has been killed by strangulation made by the petitioner and her family members. He further submits that though the petitioner is mother-in-law of the deceased but she has actively participated in the alleged occurrence. Moreover, the husband of the deceased, who is directly responsible for the alleged occurrence, has not been taken into custody as yet.



Regard being had to the facts and circumstances of the case and rival submission of the parties, this Court is of the view that since the matter attracts complicity of Section 304(B) of the Indian Penal Code and the husband of the petitioner has not yet been taken into custody, the release of petitioner, who is mother-in-law of the deceased, would be subject to surrender or arrest of husband of the deceased.

In view of the above, this Court directs the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 39 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Needless to say that the learned court below shall accept the bail bonds of the petitioner only after production of substantial proof with regard to surrender of the husband of the deceased, namely, Rohit Chaudhary in connection with Dumraon P.S. Case No. 39 of 2021.

(Rajesh Kumar Verma, J)

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