

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25150 of 2022**

Arising Out of PS. Case No.-746 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Usha Devi W/O Late Dilip Rai R/o village- Bhitwar, P.S.- Bhabhua, District-
Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-08-2022 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Bhabhua P.S. Case No.746 of 2020 instituted under Sections 304(B)/34 of the Indian Penal Code.

As per the allegation in the FIR, the informant alleged that her daughter was married to one Manish Kumar and on the fateful day, 19.11.2020, she received a mobile call about her killing. Thereafter, they informed the Bhabhua Police Station about the death of her daughter. It has been alleged that a year prior to the occurrence they had tried to kill her daughter but there was a compromise whereafter the lady was living with the accused persons. But once again three lacs were demanded for the business of Manish Kumar



and in absence payment, it is alleged that the accused persons killed the daughter.

Learned counsel for the petitioner submits that it is not a killing rather a suicide by the lady and they informed the sad death of the lady to her family members but they have alleged in the FIR that the accused persons killed her. He further submits that the husband of the deceased lady, Manish Kumar Ray has since been granted privilege of bail vide Cr. Misc. No.68632/2021 on 18.07.2022 by a co-ordinate Bench of this Court. He further submits that brother-in-law namely Vinod Kumar Ray has also been granted the privilege of bail vide Cr. Misc. No.16552/2022 on 19.07.2022.

Let the same be kept on record.

Learned counsel lastly submits that the lady is mother-in-law, was residing away from the couple and had absolutely no role to play in the matter. She is in custody since 20.12.2021 (as stated in para-20 of the bail application).

Taking into account the aforesaid facts as also that the petitioner is the mother-in-law, is in custody since 20.12.2021 and the husband and brother-in-law of the deceased have since been granted the privilege of bail by co-ordinate Bench, this Court is inclined to grant her privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bhabhua P.S. Case No.746 of



2020 to the satisfaction of learned Chief Judicial Magistrate, Kaimur, Bhabhua, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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