

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36322 of 2021**

Arising Out of PS. Case No.-575 Year-2019 Thana- CHIRAIYA District- East Champaran

MANISHA KUMARI D/o Biran Sahani, W/o Kamlesh Sahani In laws  
Address- Village- Godhiya, P.S.- Shikarganj, District- East Champaran,  
Present Address- Village- Jamua, P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

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

2      04-01-2022                      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.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with Chiraiya (Shikarganj) P.S. Case No. 575 of 2019 registered for the offence under Sections 304B and 34 of the Indian Penal Code but the charge-sheet has been submitted under Section 302 of the Indian Penal Code.

The daughter of the informant is subjected to assault



and torture on account of non-fulfillment of demand of dowry and she has finally been done to death.

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, petitioner, who happens to be sister-in-law (Gotani) of the deceased, has not been named in the F.I.R and mere on suspicion, she has been made accused in this case. She used to live separately from the deceased and her husband and she never demanded any dowry nor she assaulted the deceased in any manner. Moreover, co-accused, namely, Kishore Sahani, Laxmi Devi @ Lachminiya Devi, Kamlesh Sahani, Sublal Sahani, Lalpari Devi, who have been named in the F.I.R, have already been granted bail by a co-ordinate Bench of this Court vide order dated 09.02.2021 passed in Cr. Misc. No. 32761 of 2020. The petitioner is rotting in judicial custody since 11.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let 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 A.C.J.M.-IV, Sikrahana at Dhaka, East Champaran in connection with Chiraiya (Shikarganj) P.S. Case No. 575 of 2019 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.

**(Rajesh Kumar Verma, J)**

braj/-

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