

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27122 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- AURAI District- Muzaffarpur

DIPIYA DEVI, W/o Yegendra Mahto Resident of Village - Panapur, P.S.-
Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State.

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
Aurai P.S. Case No.28/2021 instituted under Sections 304(B), 201,
34 of the Indian Penal Code.

As per the FIR, one Sirchan Mahto has alleged that his
daughter Rita Kumari was married to Babloo Mahto in 2015 and
dowry was also given at the time of marriage. However, she was
regularly tortured and on 22.02.2021, all the accused persons
connived and killed his daughter and immediately cremated her body.
He has further alleged that as the couple was blessed with three
female children which was not liked by the family members and this
led to her killing.

This case was heard on 22.08.2022 when the learned



counsel for the petitioner submitted that the petitioner herein is the mother-in-law who had nothing to do with the present case, living away from the couple in Kolkata and had returned home only after the knowledge of the death of her daughter-in-law. He further submitted that the husband is in jail and in support of that submission, he took this Court to Annexure-1 of the bail petition to show that the bail application of accused Babloo Mahto (husband) is pending. This Court checked the status of the said case and it was found that the same was actually an anticipatory bail application which was dismissed as withdrawn on 08.06.2022 itself. To make the matter worse, the present counsel for the petitioner Sheo Kumar Prasad himself was appearing in the said case of Babloo Mahto. In the considered view of the Court, it was an entirely false statement made on behalf of the counsel knowingly and the same is strongly deprecated.

However, it is an old saying that for the wrong committed by the counsel, the accused should not suffer. In this case, the petitioner is the mother-in-law and as per the averments made in bail application, she lived away from the couple, is in custody since 14.02.2022 (as stated in para-10 of the bail application) and the charge-sheet stands submitted, 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 Aruai P.S. Case No.28/2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Muzaffarpur, 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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