

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30975 of 2022

Arising Out of PS. Case No.-496 Year-2021 Thana- GHOSI District- Jehanabad

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RITA DEVI WIFE OF BHIM PRASAD @ BHIM YADAV R/O VILLAGE-
KATHAR PAR, P.S.- GHOSI, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 15-09-2022 The present matter has been listed under the heading
“To Be Mentioned.”

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Ghosi
P.S. Case No. 496 of 2021 registered for the offences punishable
under Sections 304(B), 201, 379, 34 of the Indian Penal Code.

As per prosecution case, informant’s daughter was
married with co-accused Birendra Prasad. It is further alleged
that petitioner alongwith other co-accused started torturing and
harassing the informant’s daughter for demand of rupees one lac
and the informant paid rupees sixty thousand for purchase of



she-buffalo. It is further alleged that on 16.11.2021 at about 03:00 hours, informant's daughter was mercilessly assaulted and thereafter co-accused Birendra Prasad killed the informant's daughter by administering poisonous substance forcibly. It is further alleged that after receiving the said information, the informant and his wife went at village Kathar where they saw that informant's daughter was died and they also found mark of assault by iron rod on her body. It is further alleged that co-accused Birendra Prasad and Rajesh Prasad snatched rupees thirty thousand from the informant.

Learned counsel for the petitioner submits that petitioner being mother-in-law of the deceased is languishing in custody since 30.12.2021. Petitioner bears no criminal antecedent. He further submits that there is no specific allegation against the petitioner rather the same is general and omnibus in nature. He further submits that from perusal of FIR itself, it is evident that marriage of deceased was solemnized eight years before lodging the present FIR. Charge sheet has been submitted under Sections 302, 201, 379, 34 of the IPC and 4 of D.P. Act and there is no likelihood of tampering with the prosecution evidence. He further submits that from bare perusal of the FIR itself, it is evident that specific allegation is against



co-accused Birendra Prasad who is husband of the deceased. He further submits that petitioner being a lady has no say in the family affairs of the deceased.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No. 496 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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