

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28445 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- BHITAHA District- West Champaran

ABHISHEK GUPTA S/o Kedar Gupta Resident of Village - Dihi Pakari, P.S.
- Bhitaha, District - West champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30545 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- BHITAHA District- West Champaran

MALTI DEVI @ PHULMATI DEVI WIFE OF KEDAR GUPTA R/O- VILL-
DIHI PAKADI, P.S.-BHITAHA,DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28445 of 2022)

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

(In CRIMINAL MISCELLANEOUS No. 30545 of 2022)

For the Petitioner/s : Mr. Ravi Kumar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioners and

learned counsel for the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioners are in judicial custody in connection

with Bhitaha P.S. Case No. 126 of 2021 for the offences under

Sections 304(B) & 34 of the Indian Penal Code.

As per the prosecution story, the informant has



alleged that his daughter was married to the petitioner, Abhishek Gupta but was always tortured for dowry. On the fateful day, he got information from other person that his daughter has been killed. Accordingly, he reached the place of her in-laws and found her dead body.

So far as this petitioner, Abhisekh Gupta (Cr. Misc. No. 28445 of 2022) is concerned, he being the husband of the deceased cannot exonerate his responsibility from the alleged death of an innocent lady. His bail application is accordingly rejected.

Regarding the other petitioner, namely, Malti Devi @ Phulmati Devi (Cr. Misc. No. 30545 of 2022), she is the mother-in-law of the deceased and is in custody since 02.02.2022, this Court is inclined to grant her privilege of bail.

Let the petitioner, namely, Malti Devi @ Phulmati Devi be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of A.C.J.M., 1st Bagaha, West Champaran in connection with Bhitaha P.S. Case No. 126 of 2021, subject to the 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 her cancellation of bail by the Trial Court itself;

(iii) she 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 her bail bonds.

However, the trial Court is hereby directed to expedite the trial and conclude the same within a period of one year.

(Rajiv Roy, J)

Jagdish/Neha-

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