

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35907 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- PARBATTa District- Khagaria

ASHA DEVI Wife of Babulal Yadav Resident of Village - Kanhaiya Chak,
P.S.- Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Parbatta P.S. Case No. 11 of 2022 under Sections 304(B)/34 of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

As per the prosecution story, the informant alleged
that her daughter was married to Arun Yadav in 2019 but was
regularly tortured by everyone including the petitioner herein
for want of dowry. The further allegation is that on 09.01.2022,
they got information that her daughter has been killed by her in-
laws. Accordingly, the present FIR was lodged.



Learned counsel for the petitioner concedes that the husband in the matter has absconded and till date neither he has been arrested nor he has chosen to surrender despite the fact that the case is of 10.01.2022. He being wife of the deceased had bounden duty to protect her. He further submits that so far as this petitioner is concerned, she is mother-in-law and is an aged lady and ready to abide by all the terms and conditions imposed by this Court if granted the privilege of bail.

Considering the fact that the petitioner is mother-in-law an aged women and is in jail since 10.01.2022, this Court is inclined to grant her privilege of bail after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) after framing of charges with two sureties of like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Khagaria in connection with Parbatta P.S. Case No. 11 of 2022, 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 reason 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 evidences, 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)

Jagdish/Neha-

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