

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44761 of 2021

Arising Out of PS. Case No.-194 Year-2019 Thana- DESARI District- Vaishali

Janki Devi, W/O Nagina Rai, R/O Village- Nayagaon, P.S- Desari, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Bhushan, Advocate
		Mrs. Usha Kumari Singh, Advocate
For the Opposite Party/s :		Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 29-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vijay Bhushan, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks for grant of bail, who is in custody in connection with Sessions Trial No. 97 of 2020, arising out of Desari P.S. Case No. 194 of 2019, registered for the offences punishable under Sections 304B, 201 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

As per the prosecution, it is alleged that the marriage of the daughter of the informant was solemnised with one Rahul Kumar, 5 years ago. It is further alleged that on 11.06.2019, the



informant received information that his daughter has burnt. The informant went there and came to know that his daughter has been killed on account of non-payment of dowry. It is also alleged that accused persons used to make demand of motorcycle and Rs. 4,00,000/-.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the old mother-in-law of the deceased, who is living separately at Calcutta whereas the deceased was living with her husband in the village. It is further submitted that the marriage of the deceased was performed about 5 years earlier and there are two children from their wedlock and now there is no one in her family to look after the two children. It is also submitted that the husband of the deceased is already in custody and the trial of whom was going on. Learned counsel for the petitioner also filed a supplementary affidavit wherein it has categorically stated that so far the informant of this case is concerned, he was examined in Sessions Trial No. 97 of 2020 wherein he has not supported the prosecution version and so far this petitioner is concerned, she is in custody since 06.03.2021 and now the charge has already been framed on 21.06.2022.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the petitioner is named in the FIR and she is mother-in-law of the deceased and there is allegation against all the accused that the deceased was subjected to torture on account of non-payment of dowry and ultimately she was killed by all the accused persons.

Having considered the submissions made on behalf of parties and taking into consideration the fact that the petitioner happens to be the mother-in-law of the deceased and on the alleged date of occurrence the petitioner was living with her husband at Calcutta, apart from the fact that during the course of trial in connection with the husband of the deceased, the informant has not supported the persecution case and moreover this petitioner is in custody since 06.03.2021 and the charge has already been framed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Vaishali at Hajipur in connection with Sessions Trial No. 97 of 2020, arising out of Desari P.S. Case No. 194 of 2019, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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