

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37321 of 2022**

Arising Out of PS. Case No.-41 Year-2022 Thana- MUFFASIL District- West Champaran

1. Jago Devi Wife of Nagendra Mukhiya R/O Village - Fatuchapar, P.S. - Bairiya, District - West Champaran
2. Nagendra Mukhiya Son of Late Kripal Mukhiya R/O Village - Fatuchapar, P.S. - Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Bettiah Muffasil P.S. Case No. 41 of 2022 lodged under
Sections 302, 201/34 of the I.P.C.

As per the prosecution case, the allegation of murder
to the daughter-in-law is there in the FIR and subsequent
allegation to conceal her dead body in furtherance of common
intention.

Learned counsel for the petitioner submits that
petitioners are innocent and have committed no offence. He
submits before the court that from the content of FIR, the
informant categorically narrated that a dispute took place

between husband and wife. In result her husband killed her by strangulating her. The only allegation as per the FIR against the present petitioner is that they have helped their son in concealing the dead body of the deceased and as such offence under Section 201 I.P.C. made out against the petitioners which is bailable offence.

Learned counsel for the petitioner submits that the petition number 1 is the mother-in-law and petition number 2 is the father-in-law of the deceased. Petition number 1 is in custody since 21.01.2022 and petitioner number 2 is in custody since 01.04.2022. Learned counsel for the petitioner submits that charge sheet has already been filed in this case and the criminal antecedent of petitioner number 1 is clean whereas there is one case of Excise act is pending against the petition number 2 in which he is on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in

connection with Bettiah Muffasil P.S. Case No. 41 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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