

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52033 of 2021

Arising Out of PS. Case No.-75 Year-2019 Thana- BHADAUR District- Patna

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Dukhiya Devi, Wife of Damar Chauhan @ Ummar Chauhan Resident of
Village- Shobha Thika, P.S.- Bhadaur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-04-2022 Heard learned counsel for the parties.

The petitioner is in jail in connection with Sessions
Trial No.327 of 2020 arising out of Bhadaur P.S. Case No.75 of
2019 dated 13.10.2019 under Sections 302, 201, 120(B)/34 of
the Indian Penal Code.

The informant who is brother of the deceased, Ram
Shankar Chauhan alleged in the FIR that his brother was
married to Tilki Devi (accused); there was marital discord and
the said Tilki Devi use to live at her 'Maika' at 'Shobha Tika'.
Later his brother too followed her and started living there. It has
further been alleged that he was informed by the local villagers
of 'Shobha Tika' that entire family members of the Tilki Devi
has conspired and killed his brother and dumped the body in a
nearby river. In this way the present FIR came to be instituted.

Learned counsel for the petitioner submits that



omnibus allegation has been levelled against all the accused persons that they conspired and killed his brother. The petitioner is the mother-in-law and it is further contended by the counsel that some relatives, accused of this case have already been enlarged on bail vide Cr. Misc. No.38531 of 2021 dated 22.02.2022 by a bench of this Court (Chandra Deo Chauhan Vs. The State of Bihar) and Cr. Misc. No.20932 of 2021 disposed of on 24.08.2021 by another Bench of this Court relating to Bijendra Chauhan and Jodhan Chauhan. He thus submits that the petitioner is also on the similar footing as also the fact that she is in jail since 14.10.2019. He further submitted that it is instruction that not a single witness has been examined in the trial.

Learned APP opposes the bail and submits that the entire family members conspired to kill the informant's brother.

Having considered the submissions of the petitioner, this Court deems it appropriate that the petitioner herein also be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Sessions Trial No.327 of 2020 arising out of Bhadaur P.S. Case No.75 of 2019 to the satisfaction of learned Additional Sessions Judge, IVth, Barh, subject to following



conditions:

(i) both the bailors of the petitioner shall be the resident of the same territory where the trial of this case is being conducted;

(ii) the petitioner shall fully co-operate with the trial and failure to do so for two consecutive dates without any plausible reason, the court below shall take steps for cancellation of her bail bond;

(iii) the petitioner will seek permission of the trial court before leaving the district till the completion of the trial.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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