

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44114 of 2022

Arising Out of PS. Case No.-238 Year-2020 Thana- PARSABAZAR District- Patna

Sunita Devi W/O Brijnandan Paswan, R/O- Suitha, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Prabha Mishra, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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

In the present case, the petitioner seeks bail in
connection with Parsa Bazar P.S. Case No. 238 of 2020
registered for the alleged offences under Sections 498(A), 326,
307/34 and 304(B) of the Indian Penal Code and Section 3 & 4
of the Dowry Prohibition Act.

As per prosecution case, the petitioner is the mother-
in-law of the deceased daughter of the informant and allegation
against the petitioner and other co-accused persons is that they
set her ablaze on account of non-fulfillment of their demand of
dowry.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The daughter-in-law of the petitioner was cooking the food and she accidentally caught fire and she was taken to hospital where she was being treated and during her treatment she died. The other co-accused persons namely Brijnandan Paswan (father-in-law) and Mithun Paswan (husband) have been granted bail by the different Co-ordinate Benches of this Court vide order 06.07.2021 passed in Criminal Misc. No. 7498 of 2021 and order dated 19.05.2022 passed in Criminal Misc. No. 49069 of 2021, respectively. The petitioner is an old lady and she is in custody since 28.02.2022. The charge-sheet has been submitted. Learned counsel further submits that in this case four witnesses have been examined before the learned trial court and they have not supported the prosecution case.

Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and also considering her period of custody along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail



bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XXVI, Patna, in connection with S.Tr. No. 645 of 2022 arising out of Parsa Bajar P.S. Case No. 238 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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