

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54280 of 2021**

Arising Out of PS. Case No.-23 Year-2021 Thana- CHAKAI District- Jamui

PUNAM KUMARI W/o Pappu Kumar Sha Resident of Village- Chakai
Bazar, P.S.- Chakai, District- Jamui, Bihar.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Ankit Kumar, Advocate.
For the State	:	Mr. Nirmal Kumar Sinha, A.P.P.
For the Informant	:	Mr. Amit Narayan, Advocate.
		Mr. Arun Kumar, Advocate.
		Mr. Rajiv Kumar, Advocate.
		Ms. Nirmala Kumari, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 10-02-2022 The applicant is being given out of turn hearing on the ground that she as well as her husband are undergoing pretrial detention and her elder son aged about three years is critically ill needing medical attention. Vide order dated 24.01.2022, the genuineness of this ground was directed to be examined by the learned A.P.P.

The applicant/accused in Crime No.23 of 2021 registered with Police Station-Chakai for the offences punishable under Sections 304(B), 120(B) of the Indian Penal Code, by this application is seeking her release on bail during the pendency of the trial.

The learned counsel appearing for the applicant drew my



attention to the F.I.R. as well as the document at Annexure No.2 which is in respect of the deed of partition in the family and argued that the applicant along with her husband were residing separately. It is further argued that the F.I.R. itself demonstrates how each and every member of the family was roped in the subject offence.

The learned A.P.P. submitted that soon before the incident there was quarrel between the applicant and the deceased. He submits that paragraphs 62, 63 and 64 of the case diary support the prosecution case. He submits that the case diary needs to be called.

The learned counsel for the first informant argued that the dead body was found at the first floor of the matrimonial house of the deceased Sunaina Devi. The house was closed from outside and nobody tried to save the deceased.

I have considered the submissions so advanced and also perused the materials placed before me.

So far as the case diary is concerned, it was for the learned A.P.P. to call it in order to defend his client by opposing the bail application. However, it appears that the learned A.P.P. has not called the case diary of the subject crime.

Perusal of the F.I.R. makes the case of the prosecution



clear. The F.I.R. is lodged by father of deceased Sunaina Devi. Sunaina Devi married Sonu Kumar Sao one and half years prior to the incident. It is alleged in the F.I.R. that on 11.02.2021, Sunaina Devi telephonically called her father i.e. first informant Rajendra Sao and informed him that her in-laws are abusing her and assaulting her. Therefore, first informant Rajendra Sao reached at the spot who noticed that dead body of his daughter Sunaina Devi is lying at her matrimonial house in burnt condition. He alleged in the F.I.R. that after marriage, accused persons were demanding dowry and abusing and subjecting his daughter to cruel treatment. What was the amount demanded by the accused persons as dowry is not specified in the F.I.R. nor the manner in which the deceased was subjected to ill-treatment. No specific role is seemed to be attributed to the applicant and it seems that the first informant was not even knowing name of the applicant. The applicant is wife of elder brother of husband of the deceased Sunaina Devi. In other words, she is sister-in-law of deceased Sunaina Devi. From perusal of the F.I.R. it is seen that husband, father-in-law, mother-in-law, brother-in-law, sister-in-law, sisters of husband of the deceased as well as their husbands are implicated in the subject crime.

The investigation of the subject crime is over. Hence, I



see no reason to refuse bail to the applicant who is sister-in-law of the deceased whose name is not even mentioned in the F.I.R. as being not known to the first informant.

This order should not be construed to mean that the case of other accused persons is examined by this Court. They may not be entitled to claim parity on the basis of this order.

In the result, the application is allowed. The applicant/accused in Crime No.23 of 2021 registered with Police Station-Chakai for the offences punishable under Sections 304(B), 120(B) of the Indian Penal Code, is directed to be released on bail on executing P.R. bond of Rs.10000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against her so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against her.
- (III). The applicant should not contact the members of



the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV). The applicant should not repeat commission of similar offence in future and if she is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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