

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45575 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- BIHPUR District- Bhagalpur

Sanichari Devi Wife Of Ramdeo Prasad Sah @ Ramdeo Sah R/O Village-
Hario, P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-10-2022 Today this case has been listed on the urgent motion
slip filed by the learned counsel for the petitioner.

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

Heard Mr. Ranjan Kumar Jha, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Bihpur P. S. Case No. 183 of 2022
registered for the offences punishable under Sections 302, 34,
201 and 120 (B) of the Indian Penal Code.

The prosecution case is based on a written report



filed by the informant alleging therein that on 12.04.2022, the informant got an information that his sister was brutally assaulted by the accused persons and on getting such information, he reached to her *susrat* and tried to settle the matter but the same could not be settled. Later on, he came to know that all the accused persons have killed his sister by hanging her with sari and they left the house after putting the dead body on *varandah*.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it would be evident that general and omnibus allegation has been levelled against all the family members and no specific allegation has been levelled against the petitioner, who happens to be the mother-in-law of the deceased. It is also submitted that the F.I.R. has been instituted under Section 302/34, 201 and 120(B) of the Indian Penal Code and it is not a case of under Section 304 (B) and as such, the presumption under Section 113 (B) of the Evidence Act would not come in rescue of the prosecution case. It is further submitted that the petitioner is an old lady, aged about 70 years. In support of his submission, a copy of the Aadhar Card of the petitioner has been brought on record. It is next submitted that so far the husband of the deceased is



concerned, he is already in judicial custody. The post mortem report has also been brought on record and it suggests that no external injury has been found over the body of the deceased and the cause of death has been shown as asphyxia due to hanging. It is last submitted that the marriage was solemnized in the year 2011 and since then at no point of time any complaint has been made and moreover, the petitioner is in custody since 13.04.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is said to be mother-in-law of the deceased and there is specific allegation against all the accused persons that they in furtherance of common intention on account of non-fulfilment of demand of dowry committed the death of the deceased.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that no specific allegation has been levelled against the petitioner, who happens to be the mother-in-law of the deceased, aged about 70 years, apart from the fact that the post mortem report also suggests that there is no external injury over the body of the deceased and the cause of death has been shown asphyxia due to hanging and moreover, the husband of the deceased is in judicial



custody, let the petitioner, above named, 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 Chief Judicial Magistrate- II, Naugachia, Bhagalpur in connection with Bihpur P. S. Case No. 183 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner 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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