

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57353 of 2021**

Arising Out of PS. Case No.-37 Year-2019 Thana- PARAIYA District- Gaya

Kapur Devi, Wife of Durga Yadav @ Durga Kumar, Resident of Village-  
Sonbarsa, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                        |
|--------------------------|---|----------------------------------------|
| For the Petitioner/s     | : | Mr. Krishna Prasad Singh, Sr. Advocate |
|                          |   | Mr. Priya Ranjan                       |
| For the Opposite Party/s | : | Mr. Braj Kishore Pd., APP              |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      06-04-2022                      Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner assisted by Mr. Priya Ranjan and learned APP for the State.

The petitioner seeks regular bail, who happens to be the mother-in-law of the deceased, is in custody in connection with Paraiya P.S. case no. 37 of 2019 for the offences punishable under Sections 307, 504, 506, 120(B), 302/34 of the Indian Penal Code.

As per the prosecution case it is alleged that this petitioner and two others poured K. oil and the husband of the deceased lit a fire on her body.



It is submitted on behalf of the learned senior counsel for the petitioner that earlier petitioner moved before this Court for grant of regular bail in Cr. Misc. No. 34879 of 2019, which was heard and rejected vide order dated 20.11.2019 (Annexure-2 to this application). This Court while rejecting the bail of this petitioner has taken note of this fact that during the course of investigation it has come in evidence that the deceased was got admitted in hospital by the petitioner and her other family members and when the father of the deceased came at the hospital, he got the fardbeyan recorded, however, before recording the fardbeyan of the deceased, the concerned officials did not take pain to obtain the opinion of the doctor regarding mental condition of the deceased and as such rejected the prayer for bail for the present. It is further submitted that the petitioner being the mother-in-law of the deceased, is an old lady and she is in custody since 04.03.2019. It is next submitted that though the charges have been framed, but till date no witness has been examined.

On the other hand, learned counsel for the State has submitted that earlier the bail application of the petitioner was rejected by this Court, but he fairly submits that the same was rejected for the present at that point of time.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is the mother-in-law of the deceased and she is in custody since 04.03.2019 and there is no progress in the trial, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Gaya in connection with Paraiya P.S. Case No. 37 of 2019 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of her absence on two consecutive dates without any cogent reason, her bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

**(Harish Kumar, J)**

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