

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49501 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- DIGHA District- Patna

Janaki Devi W/O Shri Rajendra Prasad Resident of Ganeshi Mandir Marg,
Jhajha Bazar, P.S.- Jhajha, District- Jamui, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Mandal, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, A.P.P.
For the Informant	:	Mr. Rajiv Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends her arrest in a case
registered for the offences punishable under Section 302/34 of
the Indian Penal Code.

According to prosecution case, in brief, is that on
03.04.2022 the informant got information that her sister, namely,
Pushplata Kumari @ Guriya is dead and soon thereafter he
reached the house of her sister and found her lying dead.
Thereafter, he started searching his brother-in-law/co-accused,
namely, Sanjiv Kumar (husband of the deceased) but he was



found absent and he further found that last night her sister-deceased was brutally assaulted by the accused persons, including accused-petitioners and she has been murdered by strangulating. It is further alleged that since last six month the father-in-law and mother-in-law of the deceased was continuously harassing and torturing her for the sake of dowry whereas co-accused Sanjiv Kumar used to threatened and harass her and was also having illicit relation with some other lady.

Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that in fact the petitioner is mother-in-law of the deceased and she reside separately in her native place at Jhajha and the allegation as alleged in the F.I.R. is general and omnibus. He further submits that the police after investigation submitted the final form on 25.05.2022 against the co-accused Sanjiv Kumar who is husband of the deceased and son of the petitioner under Section 306/34 of the Indian Penal Code. He further submits that police has not found any clue against the petitioner i.e. mother-in-law of the deceased and husband of the deceased in custody since 03.04.2022.

The counsel for the informant as well as learned



Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of her arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Digha P.S. Case No. 220 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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