

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60543 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- SIGAUDI District- Patna

Binda Devi, W/o Late Umesh Bhagat, Resident of Village- Chandos, P.S.-
Sigori, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ganesh Prasad Yadav, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-04-2022 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 learned counsel for the petitioner and learned APP for the State as well as Mr. Sunil Kumar, learned counsel for the informant.

The petitioner seeks regular bail, who is a lady, is in custody in connection with Sigori P.S. Case No. 83 of 2021 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the daughter of the informant was solemnized with Rohit Kumar on 24.05.2014 and from their wedlock three girl



child were also born. It is further alleged that his daughter was subjected to harassment by accused persons including this petitioner for dowry and not bearing male child. On 14.06.2021 it has been informed to the informant that his daughter was done to death by electrocution and strangulation by the F.I.R. named accused persons.

It is submitted on behalf of learned counsel for the petitioner that this petitioner happens to be the mother-in-law of the deceased, aged about 70 years, and there is no specific allegation of demand of dowry and torture, rather general and omnibus allegation has been levelled against all the family members. It is further submitted that it appears from the impugned order that during course of investigation it has come that this petitioner was not even present at the place of occurrence and in support of the material, the petitioner has stated in para 10 of the application that independent witnesses, namely, Mithilesh Singh and Raj Deo have stated that this was a case of suicide and at the time of occurrence the family members were not even present there. It is lastly submitted that this petitioner, being a lady, is in custody since 16.06.2021.

On the other hand, learned counsel for the informant opposes the bail application and has categorically submitted that



in fact the victim was done to death by electrocution in her matrimonial house and ante-mortem injuries were found on her dead body and thereafter the case has been given a colour of hanging.

Learned APP for the State has also opposed the bail application.

Having heard the learned counsel for the parties and taking into consideration the fact that this petitioner happens to be the motor-in-law, aged about 70 years, and there is no specific allegation against this petitioner and is in custody since 16.06.2021, apart from the fact that during course of investigation some of the independent witnesses have stated that the family members of the deceased were not even present at the place of occurrence and the petitioner is residing separately, 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-III, Danapur, Patna in connection with Sigori P.S. Case No. 83 of 2021 subject to the condition that one of the bailors will be the close relatives 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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