

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69007 of 2021**

Arising Out of PS. Case No.-57 Year-2021 Thana- SHIVSAGAR District- Rohtas

SHILA DEVI @ DHARAMSHILA DEVI Wife of Nandu Upadhyay Resident
of Village - Pakadiya, P.S.- Shivsagar, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-05-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Shivsagar PS case no. 57 of 2021 instituted for the offences
punishable under Section 302/34 of Indian Penal Code.

The allegation is regarding the accused persons
including the petitioner herein, who is the mother-in-law of the
deceased victim lady, having killed the deceased victim lady on
account of non-fulfilment of the demand for dowry.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and
is languishing in custody since 09.08.2021. The learned counsel
for the petitioner has further submitted that a general and



omnibus allegation has been levelled and as far as the petitioner is concerned, who is the mother-in-law of the deceased victim lady, aged about 75 years, has not been alleged to have engaged in any sort of overt act so as to connect the petitioner with the death of the deceased victim lady. It is also submitted that similarly situated co-accused person who is the brother-in-law of the deceased victim lady has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.11.2021, passed in Cr. Misc. no. 50625 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioner herein, the petitioner is aged about 75 years of age and as per the learned counsel for the petitioner, if at all anybody is responsible for the death of the deceased victim lady, it might be her husband, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to



be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M., Rohtas, Sasaram in connection with Shivsagar PS case no. 57 of 2021.

(Mohit Kumar Shah, J)

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