

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.164 of 2022

Arising Out of PS. Case No.-484 Year-2020 Thana- PHULPARAS District- Madhubani

Tiliya Devi, W/O- Late Yogendra Mallik, Resident of Village- Nawtol, P.S.-
Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
Ms.Kumari Shubham, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Phulparas P.S. Case No. 484 of 2020 registered
for the alleged offences under Sections 304(B), 201, 120 (B)/34
of the Indian Penal Code.

As per prosecution case, the petitioner, who was
mother-in-law of the deceased daughter of the informant, along
with her son and other family members caused dowry death of
the daughter of the informant. Further allegation is that they
burnt her dead body.



Learned counsel for the petitioner submits that the petitioner is the mother-in-law of the deceased and she is an old age lady and suffering from several ailments. It is evident from the FIR that the marriage was solemnized 5 years back and in the meantime, there has been no complaint regarding any torture or cruelty on account of demand of dowry. It is also clear that there are two children out of this wedlock. Moreover, the allegation of demand of dowry is bald and without any details. The learned counsel further submits that during investigation, it has come to the knowledge that it was not a case of homicidal death, rather it was a case of natural death. It is also clear from the FIR that the informant and her family members attended the last rites of the daughter-in-law of the petitioner and under ulterior motive, she has filed this case. The husband of the deceased is already in custody. The petitioner is in custody since 04.06.2021 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that there is specific allegation against the petitioner along with other co-accused persons that they killed the daughter of the informant and burnt her dead body.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the



petitioner is stated to be the mother-in-law of the deceased and the co-accused husband of the deceased is already in custody and further considering the submission of charge sheet and the period of custody of the petitioner, she is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No. 484 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

