

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65595 of 2022

Arising Out of PS. Case No.-476 Year-2022 Thana- NAGAR District- Vaishali

Tetri Devi, W/O Dinesh Singh R/O Village- Hathsarganj, P.S.- Hajipur Town,
Distt- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Priyesh Kumar
For the Opposite Party/s :	Mr. Arun Kumar Singh
	Mr. Sabal Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of her arrest
in a case registered for the offences punishable under Sections
302 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is a woman and
the informant alleges that his son (deceased) was married to
Mala Kumari in the Year 2009. Further, from the wedlock two
sons and a daughter was born. It is next alleged that Mala
Kumari was having an affair with another boy and her son
caught Mala Kumari red-handed talking on mobile and
thereafter, informed her in-laws. It is next alleged that Mala



Kumari thereafter went to her parental home where her son used to visit her. Further, on 19.05.2022, her son was assaulted by brother of Mala and other accused persons and he was treated at P.H.C. Goraul. It is next alleged that Mala called him to take her back to her matrimonial home. Accordingly, the deceased went to Mala's parental home. It is next alleged that father-in-law of his son informed that deceased is not well and accordingly, he reached the place of occurrence and found his son dead. Thus, alleges that accused persons including the petitioner killed him.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that petitioner is mother-in-law of the deceased and the informant is not an eye witness to the occurrence. It is also submitted that there is specific allegation against Mala of having an affair with a boy which was not liked by the deceased and thus, she went back to her parental home, but then it is also alleged that the deceased used to visit her regularly and out of the wedlock, three children were also born. It is further submitted that the marriage was performed in the Year 2009 and the occurrence took place in the Year 2022 i.e. after nearly 13 years of marriage. It is also submitted that the deceased was having some mental issues for which, he was even treated at



Ranchi Kanke Hospital in support of which, prescriptions are also annexed. It is next submitted that the allegation hinges around suspicion and the informant is not an eye witness to the occurrence and it is difficult to presume for the present that mother-in-law would kill her own son-in-law and thus, make her own daughter a widow. The learned counsel next submits that the statement of the daughter of the deceased was also recorded by the police during the course of investigation in which she has supported the allegation of her mother having an affair with Nitish, but then she does not allege anything against this petitioner except the fact that she woke up in the morning hearing her Mama-Mami, Nana-Nani talking and saw that her father was alive and the doctor was called, but he died. It is also submitted that petitioner will not evade the law rather will cooperate in the investigation and will present herself as and when required by the Investigating Officer of the case, so that the truth comes out. It is further submitted that wife of the deceased is in custody.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to rebut the submission of the learned counsel for the petitioner that the wife of the deceased is in custody and the informant is



not an eye witness to the occurrence and the entire allegation hinges around suspicion and even the daughter of the deceased has not alleged anything which could connect the petitioner with the offence for the present.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees 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 Hajipur P. S. Case No.476 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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