

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3839 of 2023

Arising Out of PS. Case No.-472 Year-2022 Thana- FATEHPUR District- Gaya

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SEEMA DEVI @ SITAVIYA DEVI W/o Ramashish Prasad R/o Village-
Mayari Tola, Pakariya, P.S.- Fatehpur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Fatehpur P.S. Case No. 472 of 2022, registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

As per allegation made in the FIR, the marriage of daughter of the informant was solemnized with Awadesh Kumar (son of the petitioner) in the year 2014. The matrimonial inmates subjected the deceased to atrocities. Awadesh Kumar, after giving assurance that he would keep the victim with full dignity and honour, took her to his house, but again he assaulted and fractured her leg. On 23.07.2022, Awadesh Kumar informed the informant that her daughter had died. The informant alleges that the accused persons



named in bottom of the *fardbeyan*, including the petitioner had committed the murder of the deceased by strangulation.

The learned counsel for the petitioner has submitted that petitioner is mother-in-law, having no concern with day-to-day affairs of the couple. There is allegation only against the husband Awadesh Kumar that he assaulted his wife and fractured her leg. The statement of neighbours of the husband was recorded in Paragraph nos. 5 and 6 of the case diary. These witnesses have stated that they got information that Awadesh Kumar, after throttling to death his wife, had fled away. It has also come in their statement that the petitioner also fled way from her house, without informing anybody. The petitioner is under custody since 23.07.2022 and she is a lady of clean antecedent.

On the other hand, the learned APP has opposed the prayer for bail and submitted that the post-mortem report supports the factum that the deceased was throttled to death and ligature mark was found on his neck.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M-X, Gaya in connection with Fatehpur P.S. Case No. 472 of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the



disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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