

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6208 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- MAHARAJGANJ District- Siwan

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GEETA DEVI Wife of Krishna Mahto R/v- Hahwa, P.S.- Maharajganj,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023 List of these matters has been notified today for hearing.

Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Maharajganj P.S. Case No.
304 of 2022 instituted for the offence punishable under Sections
302/34 of the Indian Penal Code.

It is alleged that the informant has come to know about
her daughter being done to death at her matrimonial home. On



inquiry, she has learnt that there was a quarrel between her daughter with her '*Gotni*' (co sister/petitoiner), and her father-in-law. The son-in-law of the informant is stated to be employed in Banglore. The FIR has been lodged against the petitioner and the father-in-law of the victim.

It is submitted by the petitioner's counsel that it is apparent from perusal of the FIR that the allegations are levelled only on suspicion. The FIR has been lodged as an afterthought which is apparent from the fact that informant claims to have received intimation regarding the death of her daughter on 18.10.2022 at 08.30 P.M.. The FIR, however, has been lodged on 20.10.2022 which, as it appears from the FIR, was sent to the Court on 21.10.2022. The undue delay casts a grave cloud of doubt upon the entire prosecution case which otherwise is also based on suspicion. The petitioner being a female member of the family, having same status in her matrimonial home as that of the petitioner, has been taken in custody on 21.10.2022 and since then she is in jail.

The learned APP for the State has opposed the prayer for bail. It is submitted that the offence has been lodged under Section 302/34 of the Indian Penal Code. The petitioner is named accused and from the order of the learned Trial Court



(Additional Sessions Judge- VII, Siwan) rejecting the petitioner's prayer, it is apparent that the death has been opined, in the course of investigation, to be due to asphyxia.

Considering the rival submissions, the substance of allegation *prima facie* appearing to be based on suspicion and the undue delay in lodging of the prosecution case, this Court having regard to the fact that petitioner is a female and is languishing in custody since 21.10.2022, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Siwan in connection with Maharajganj P.S. Case No. 304 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each



date and if she fails to do so on two consecutive dates, her bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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