

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9133 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- MAIN P.S. District- Gaya

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Rajanti Devi @ Rajvanti Devi, Wife Of Shyam Kishor Yadav, R/O Village-
Suroundha, P.S.- Men, Distrcet- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 15-05-2023 The applicant/accused in Crime No. 89 of 2022 registered with Men Police Station for the offence punishable under Sections 302, 201, 304(B) read with Section 34 of the Indian Penal Code, by this application is seeking her release on bail during the pendency of the trial after filing of the charge sheet.

The learned counsel for the applicant argued that there is no iota of evidence against the applicant to connect her with the crime in question. She is resident of village Suroundha whereas, deceased Minta Kumari was residing at village Pompu. She is relative of the husband of the deceased and, therefore, she has been falsely implicated in the crime in question. Being a



woman, her further pre-trial detention is not warranted.

As against this, the learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious and a married woman was done to death for and on account of demand of dowry by subjecting her to cruelty. It is further argued that the prosecution has also invoked penal provisions of Section 302 of the Indian Penal Code.

I have considered the submissions so advanced. I have also perused the materials placed on record.

Minta Kumari (since deceased) married accused Mantu Yadav prior to five years. According to the prosecution case, said Mantu Yadav was having illicit affair with wife of one of his relative named Ajit Yadav. Apart from that, it is further alleged that the accused persons were subjecting Minta Kumari to cruelty. Ultimately, half burned dead body of Minta Kumari was found in the process of cremation by First Informant Brahamdeo Yadav, upon being informed by one of his relative.

Prima facie there is hardly any evidence to connect the applicant to the alleged offence. In the FIR, several relatives are named but the applicant is not named in the FIR. She was not even residing at the village where deceased Minta Kumari was residing along with her matrimonial relatives.



In this view of the matter, considering the fact that the applicant is a woman staying away from the family of the deceased and there is no prima facie evidence to connect her with the offence punishable under Section 302 or 304(B) of the Indian Penal Code, there is no reason to deny bail to her and as such the following orders:-

(i). The application is allowed.

(ii). The applicant/accused in Crime No. 89 of 2022 registered with Men Police Station for the offence punishable under Sections 302, 201, 304(B) read with Section 34 of the Indian Penal Code, be released on bail on executing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand) and on furnishing two sureties of the like amount each to the satisfaction of the Trial Court with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the Trial Court in expeditious disposal of the trial against him.

(III) The applicant/accused should not repeat commission of similar offence in future and if he is found to be



involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(IV) The applicant/accused should not tamper prosecution evidence in any manner.

(A. M. Badar, J)

Saurabhkrsinha/
Aditi/-

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