

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10967 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- BISHUNPUR District- Darbhanga

DEVKI DEVI Wife of Late Binod Sahni R/v- Mustafapur, Bishanpur, Dist-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2023 Heard the parties.

The petitioner is in custody in connection with Bishanpur P.S. Case No. 80 of 2022 for the offence under Section 302/34 of the I.P.C. lodged on 29.06.2022 by the informant Samundri Devi.

The prosecution story, in brief, is that the son of the informant was married with one Devki Devi. After the marriage, the conjugal life of son of informant was not happy. On 25-06-2022, the informant received information regarding that quarrel took place between his son and daughter-in-law and further she came to know that after committing murder, the dead body of her son has been hanged to a Peepal tree. Thereafter, the informant rushed place of occurrence and found the dead body hanging with branch of Peepal tree. Accordingly, the F.I.R.



It has been contended by the learned counsel for the petitioner that the petitioner is the wife of the deceased and has been falsely implicated in this case as would manifest from the fact that charge-sheet has been submitted under Section 306 of the I.P.C.

Learned APP opposes the prayer for bail.

Taking into account the fact that the petitioner is a lady, charge-sheet has been submitted under Section 306 of the I.P.C., ultimately she will be facing the trial, is in custody since 15.10.2022 (as stated in para 15 of the petition), this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Bishanpur P.S. Case No. 80 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her



bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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