

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13162 of 2020

Arising Out of PS. Case No.-474 Year-2018 Thana- KHAGARIA District- Khagaria

PAWAN DEVI W/o Niranjana Sharma Resident of Village - Durgapur, P.S.-
Muffasil, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Minakshi Kumari, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 07-02-2023 Heard Mrs. Minakshi Kumari, learned counsel for the
petitioner and the learned APP for the State

The petitioner apprehends her arrest in connection
with Khagaria (Muffasil) P.S. Case No.474 of 2018 instituted
under Sections 304(B)/34 of the Indian Penal Code.

As per the prosecution story, the marriage of the
deceased took place with Sanjeev Sharma in the year 2015 but
was regularly tortured for dowry.

In between, she gave birth to a female child which
aggravated the problem and on the fateful day, they came to
know about her death. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that she is
mother-in-law, an aged person, do not have criminal antecedent
and a categorical statement has been made that the husband
Sanjeev Sharma is in judicial custody since 20.01.2023.



Although no such document is on record, learned counsel for the petitioner submits that her statement may be recorded that he is in custody and if the said statement is incorrect, the relief if granted may become infructuous.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that it is a case of dowry death.

Taking into account the aforesaid factors that has come into account as well as the submissions put forward by the learned counsel for the petitioner and the averment made that the husband is in custody, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of her arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Khagaria (Muffasil) P.S. Case No.474 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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;

(iv) 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;

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

(Rajiv Roy, J)

Prakash Narayan /-

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