

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21051 of 2023**

Arising Out of PS. Case No.-229 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Rajpati Devi Wife of Late Ramjit Pandey @ Ramaji Pandey Resident of
village - Sasamusa, P.S.- Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 22-05-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail
in connection with Kuchaikote P.S. Case No. 229 of 2022
registered on 23.05.2022 for the alleged offences under
Sections 302 & 201/34 of the Indian Penal Code.

3. As per prosecution case, the marriage of the
sister of the informant was solemnized with the co-accused
son of this petitioner 10 years back and three children were
born out of wedlock. The allegation against the petitioner is
that on account of demand of dowry she and other co-
accused persons strangled the sister of the informant to



death and burnt her dead body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is mother-in-law of the deceased and there is general and omnibus allegation. The petitioner is an old and ailing woman suffering from various old age disease. There is no eye witness to the occurrence. The FIR is fully concocted and after thought and to extract the money the petitioner and other co-accused persons have been implicated in the present case. The husband of the deceased is already in judicial custody. The deceased was suffering from depression and she used to act abnormally at many occasions and she committed suicide. Regarding the deceased, the informant was also having knowledge. Learned counsel further submits that, moreover, from the FIR it is clear that the marriage has taken place 10 years ago and deceased was having three children so it is surprising after 10 years of the marriage, the deceased would be killed for dowry. The petitioner is in custody since 25.05.2022 and charge sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail



submitting that specific allegation has been levelled against the petitioner and co-accused persons for killing the sister of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and there is lack of substantive material against the petitioner to connect her with the offence as alleged and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Gopalganj/concerned court in connection with Kuchaikote P.S. Case No. 229 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bonds of the petitioner will be liable to
be cancelled by the court concerned.

(Arun Kumar Jha, J)

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