

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25548 of 2023

Arising Out of PS. Case No.-61 Year-2021 Thana- NAGAR District- Vaishali

Pano Devi @ Panno Devi Wife of Late Shiv Nath Paswan R/o Mohalla- Bag
Mali, PS- Hajipur Town in the District of Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
27.02.2023, in connection with Hajipur Town P.S. Case No. 61
of 2021, F.I.R. dated 21.01.2021 registered for the offences
punishable under Sections 302, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the
informant's daughter was married to Mukesh Paswan about 10
years ago and due to their wedlock two children were born.
After some time, the informant's daughter told the informant
that accused persons demanded rupees as a dowry and accused
Mukesh Paswan after drinking wine, brutally assaulted the
informant's daughter for non-fulfillment of demand of dowry.
The accused persons murdered the informant's daughter on



21.01.2021 and after receiving the information, the informant reached her matrimonial house and after searching, the dead body of informant's daughter was found concealed in the house of accused persons, there was blood oozing out from her head and her body was cut in several places by sharp weapon. His grand daughter aged 10 years old told him that all the accused persons have killed her mother by axe, knife and chain.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case merely on the basis that she is mother-in-law of the deceased. He further submits that from a bare perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the marriage was performed 10 years ago with the son of the petitioner and the husband of the deceased namely Mukesh Paswan is in judicial custody. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.02.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for



bail of the petitioner and submits that the postmortem report suggests that before the murder of the informant's daughter was brutally assaulted by the accused persons.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 61 of 2021, subject to the following conditions :-

(i) Learned Trial Court is directed that before accepting the bail bond of the petitioner, verify the genuineness whether the son of the petitioner who is husband of the deceased is in judicial custody or not and if he is not in judicial custody, the bail bond of the petitioner should not be accepted by the learned Trial Court.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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