

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28825 of 2023

Arising Out of PS. Case No.-55 Year-2016 Thana- GOPALPUR District- Patna

PINKI DEVI D/o Subans Yadav, W/o Sanjay Kumar @ Sujay Prasad
Resident of village-Badari Bigaha, P.S.-Mashauri, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gopalpur
P.S. Case No. 55 of 2016 dated 04.04.2016 registered for the
offence under Sections 304(B)/34 of the Indian Penal Code and
¾ of the Dowry Prohibition Act.

The daughter of the informant is subjected to assault
and torture on account of non-fulfillment of demand of dowry
and she has finally been done to death at the instance of the
petitioner and other family members.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. that no specific allegation of assault of any



overt act is attributed to the petitioner rather there is general and omnibus allegation against her. He further submits that the petitioner happens to be sister-in-law of the deceased and she lives separately from her brother and the deceased and so on she has not concern at all with the internal affairs of the deceased and her brother. He the husband of the deceased has already been acquitted from all the charges from the court below itself. The petitioner, who is a lady, is rotting in judicial custody since 13.02.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna in connection with Gopalpur P.S. Case No. 55 of 2016 with the following conditions:-

(1) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

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 his criminal antecedent, 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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