

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33831 of 2023

Arising Out of PS. Case No.-105 Year-2014 Thana- FATEHPUR District- Gaya

JANKI DEVI wife of Pragash Yadav Village- Khaira Ps- Fatehpur Dist- GAYa
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody in connection with Fatehpur P.S. Case No. 105 of 2014 for the offence under Sections 302 and 201/34 of the Indian Penal Code lodged on 01.05.2014 by the informant, Prakash Yadav.

The prosecution case, in brief, is that the informant had got married his daughter Sanju Devi to Dharmendra Yadav, the son of the accused petitioner, nearly 20 years ago. It has been alleged that on 28.04.2014 a native of matrimonial village of his daughter informed him on phone about the death of his daughter. When the informant reached to the matrimonial house of his daughter, found it locked, one child informed him of lying of dead body of his daughter near the railway track. The informant on inspection of the dead body found there numerous homicidal injuries. It has been further



alleged that the petitioner and other family members had used to demand money from the deceased and when she denied, they used to assault her and might be killed. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that she being a rustic lady, poor and unaware of the legal assistance that can be extended to her by the State could not walk into judicial custody and as such for a case of 2014, finally she went to the judicial custody on 30.06.2022.

The further submission is that similar placed accused Mukesh Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 09.07.2019 passed in Cr. Misc. No. 29217 of 2019. The last submission is that she is ready to abide by all the terms and conditions and ready to appear in trial diligently so that there is no further delay.

Learned APP opposes the prayer for bail.

Considering the fact that the petitioner is a lady, is in jail since 30.06.2022 (as stated in paragraph 14 of the petition), is an aged about 60 years, 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 A.C.J.M, Xth,



Gaya, in connection with Fatehpur P.S. Case No. 105 of 2014
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 her bail bonds.

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

U		T	
---	--	---	--

