

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35138 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- DORIGANJ District- Saran

Manju Devi Wife Of Sunil Sah Resident Of Chirand, P.S.- Doriganj, District- Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-01-2023 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304(B), 302, 201/34 of the Indian Penal Code.

According to prosecution case, the petitioner along with accused persons are said to be tortured the daughter of the informant on non-fulfillment of demand of dowry and subsequently they done to death over non-fulfillment of their demand.

Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been



implicated in the present case. He further submits that in fact the petitioner is mother-in-law of the deceased (as claimed). He further submits that paragraph no. 31 of the case diary contains that the statement of Chaukidar namely, Hare Krishan Paswan who carried the dead body for postmortem in PMCH. He further submits that the Hare Krishan Paswan stated that it was the dead body of male and paragraph no. 29 of the case diary reveals that the doctor has postmortem the human male 60 to 70 years. He further submits that in view of the postmortem report and statement of Chaukidar the case of the prosecution is false and despite of that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.04.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Doriganj P.S. Case No. 88 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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