

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40181 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- KURSAKANTA District- Araria

REETA DEVI Wife of Sivanand Sardar Resident of Village - Shishabari,
Ward No.- 11, P.S.- Kursakanta (Kuari O.P.), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vasudeo Ram, Advocate
For the Informant	:	Mr. Kundan Kumar Singh, Advocate
For the State	:	Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-03-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant and learned APP
for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 328, 302/34 of the Indian
Penal Code but the police after investigation submitted
chargesheet under Section 306/34 of the Indian Penal Code.

The prosecution case, in short, is that the informant's
younger son Bhola Singh got married with Kiran Kumari three
years ago and the informant and his family members were
asking Bidagri of Kiran Kumari but the petitioner, who is
mother-in-law and his family refused to give Bidagri. The
informant's son started residing at her in-laws house where he



was continuously tortured and assaulted and on 04.03.2022 he had been murdered by the accused persons by giving him poisonous substance.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case. He further submits that the petitioner is mother-in-law of the deceased and as per allegation in the F.I.R. there is no specific allegation against the petitioner and there is general and omnibus allegation against the accused persons including the petitioner. He further submits that the learned Additional Chief Judicial Magistrate-III, Araria on the protest made by the informant took cognizance under Sections 328, 302/34 of the Indian Penal Code against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.03.2022.

Learned counsel appearing on behalf of the Informant and learned APP for the State, on the other hand, have opposed the prayer for bail of the petitioner.

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



Court below where the case is pending in connection with Kursakanta (Kuari) P.S. Case No. 45 of 2022, 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) 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.

(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 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.

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(Rajesh Kumar Verma, J)

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