

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42720 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- RAJEPUR District- East Champaran

REKHA DEVI W/O RAMESH BAITHA R/O VILLAGE- UJHILPUR, PS.
RAJEPUR, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 29.01.2023 seeks
bail, in connection with Rajepur P.S. Case No.27 of 2023, dated
28.01.2023, for the offences punishable under Sections
304(B)/34 of the IPC.

3. According to prosecution case, the petitioner along
with other co-accused persons are said to have committed
murder of the deceased due to non-fulfillment of the demand of
dowry.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the ground that the
petitioner is mother-in-law of the deceased. He further submits



that from bare perusal of the F.I.R., it appears that there is no specific allegation attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the son of the petitioner, who is husband of the deceased has surrendered on 03.08.2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 J.M.1st Class, Motihari, East Champaran in connection with Rajepur P.S. Case No. 27/2023, subject to the following conditions:-

1. Learned Trial Court is directed to verify whether the son of the petitioner, who is husband of the deceased has surrendered on 03.08.2023 or not? If the son of the petitioner has not surrendered, the bail bond of the petitioner shall not accepted.



2. 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.

3. 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.

4. 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)

amit/-

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

