

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53547 of 2023

Arising Out of PS. Case No.-861 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Kazal Devi Wife Of Fantus Sah Resident Of Village- Tingachiya (Bajrang
Tola), P.S.- Nagar, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Town P.S. Case No. 861 of 2022, registered on 31.12.2022 for the offences under Sections 304B/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with co-accused Suraj Sah and she died in her matrimonial home within seven years of her marriage. The allegation against the petitioner is that she was in illicit relationship with the husband of the deceased and when the deceased saw this petitioner with her husband in objectionable condition, she was killed by the petitioner and the co-accused.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. From the FIR it is apparent that there is no dowry demand and the case does not fall within the purview of Section 304B of the Indian Penal Code. From the FIR it is also apparent that there is only suspicion against the petitioner who is sister-in-law of the deceased. There is no allegation of any wrong doing against the petitioner and merely on suspicion the petitioner has been made accused in this case. The prosecution story is not believable against the petitioner and there is no eye witness to the occurrence. The postmortem shows that the cause of death is asphyxia due to hanging. The deceased was ill-tempered and she committed suicide. The co-accused Suraj Sah, husband of the deceased, has been granted regular bail by a Co-ordinate Bench vide order dated 26.06.2023 passed in Cr. Misc. No. 34056 of 2023.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner is a lady and allegation is quite vague and based on suspicion only and there appears possibility of false



implication, let the petitioner above named in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned court in connection with Town P.S. Case No. 861 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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