

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53145 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Rubi Devi, aged about 32 years, W/o Banshi Sah, Resident of Village -
Baghini, P.s.- Mohania, Distt.- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 11-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Mohania P.S.
Case No. 189 of 2022 registered for the offence punishable under
Sections 302, 304(B), 498(A)/34 of the Indian Penal Code (for
brevity 'IPC').

The informant's sister, as per prosecution case was found dead
with injuries, at a distance from her matrimonial home towards north.
The allegation is that the in-laws have been making demand for some
dowry, though the marriage is alleged to have been solemnized 12
years back. The informant in the later part of the First Information
Report (for brevity 'F.I.R.') alleges that before lodging of FIR, he has
come to know that the husband of the deceased was having illicit
relationship with the instant petitioner, wife of one 'Bansi Sah'.

Learned counsel for the petitioner submits that from the F.I.R.,
it is apparent that the petitioner has been implicated by the informant
based on some information received from unknown source.
Petitioner is not a family member of the in-laws, and has a family of
her own. Her implication is based on suspicion and she is in custody
since 09.04.2022, though, she has no criminal antecedents.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 189 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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