

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56769 of 2023

Arising Out of PS. Case No.-174 Year-2022 Thana- PALI District- Jehanabad

Savita Devi W/O- Arun Paswan Village- Golakpur Barawan Ps- Pali Dist-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Pali P.S. Case No. 174 of 2022 dated 27.12.2022, lodged under
Sections 302/ 328/ 34 of the I.P.C.

4. As per the prosecution case, the F.I.R. has been
lodged against seven named accused persons including the
present petitioner. The informant has disclosed that the marriage
of her daughter was solemnized with the son of the petitioner
and there was torture used to be made from in-laws families to
her daughter as they have no issue but later on, the deceased has
given birth to one female child and due to misbehave of the
accused persons, the daughter of the informant used to start
living with her mother.

5. It has been alleged that on 24.12.2022, informant's daughter returned to her *sasural* and in the night it has been informed that her in-laws families are torturing. In the next morning, informant received information that her daughter is admitted to the hospital. She immediately went there, then her daughter disclosed that all the accused persons forcefully provided poison to her and in the hospital during treatment, her daughter died. Thereafter, this case has been lodged.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is the mother-in-law. Counsel further submits that the date of occurrence is admittedly 25.12.2022 and the F.I.R. has been lodged on 27.12.2022. Counsel further submits that from the contents of the F.I.R., it becomes crystal clear that as soon as the daughter of the informant was admitted to the hospital, communication has been made by the petitioner's family in this regard and it is due to this reason the informant reached hospital.

7. Learned counsel for the petitioner further submits that the husband of the deceased is already in custody. It has also been disclosed that there was apprehension in the mind of the son of the petitioner that the informant's side may file false case, it is due to this reason he has already filed informatory in

the month of October, 2022 itself, whereas the present F.I.R. has been filed just after two months *i.e.* on December, 2022.

8. Learned counsel for the petitioner further submits that there is one criminal case filed against the petitioner which was filed by the deceased herself in which she is on bail and in the present case she is in custody since 10.02.2023.

9. Learned counsel for the petitioner further submits that the husband of the deceased is already in custody though statement to that effect has not come in the petition.

10. Learned counsel for the State opposes the prayer for bail.

11. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M.- 1st Class, Jehanabad in connection with Pali P.S. Case No. 174 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive

dates without plausible reason will entail cancellation of her bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

12. The bail bond of the petitioner shall be accepted by the Trial Court only after confirming that the husband of the deceased is in custody. If it has been found that the deceased's husband is not in custody, then in that case, the bail bond of the petitioner shall not be accepted.

13. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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