

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55098 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- SAHPUR District- Bhojpur

Sudha Devi Wife of Ram Avtar Singh Resident of Village-Isharpura, Police
Station-Shahpur, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Vipin Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr. Manoj Kumar, learned counsel for the

petitioner, Mr. Vipin Kumar Singh, learned counsel appearing

on behalf of the informant as well as Mr. Satya Nand Shukla,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Shahpur (Karnamepur) P.S. Case No. 65 of
2023, F.I.R. dated 17.02.2023 for the offences punishable under
Sections 304(B), 201/34 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including the petitioner have killed the daughter of the
informant and disposed her dead body due to non-fulfillment of
demand of dowry.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that she is mother-in-law of the deceased. He further submits that as per the allegation in the F.I.R, after committing the murder of the daughter of the informant, all the accused persons including the petitioner have disposed of the dead body of the victim. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and there is no accusation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the husband of the victim who also happens to be the son of the petitioner is in judicial custody.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no accusation of the any assault or overt act against the petitioner and the husband of the deceased who is son of the petitioner is in judicial custody, let the petitioner, above named, in the event



of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Chief Judicial Magistrate 1st Bhojpur, Ara in connection with Shahpur (Karnamepur) P.S. Case No. 65 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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 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)

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