

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59335 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- PARSAUNI District- Sitamarhi

LALITA DEVI W/o Lal Babu Sah R/V- Gisara, P.S.- Parsauni, Distt-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends her arrest in connection with Parsauni P.S. Case No. 02 of 2022 for the offence registered under Sections 498(A), 302 and 34 of the Indian Penal Code.

As per the prosecution story, the deceased lady was married to Shyambabu Sah but was tortured for dowry. As per the allegation, he had illicit relationship with the sole petitioner and whenever, she protested, the allegation is that she was beaten/threatened by her husband and ultimately, on 05.01.2022, the informant came to know about the death of her daughter. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that she



had absolutely no role to play in the matter as she lives with her husband in Punjab and only because of the allegation that has come in the FIR, she has been dragged in the case. She is happily married to the brother of Shyambabu Sah, who was husband of the deceased.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that she was in the center of the entire episode and as such, she does not deserve anticipatory bail.

Considering the fact that the petitioner is a lady, she do not have criminal antecedent and according to the statement made by the learned counsel for the petitioner, she resides in Punjab along with her husband, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Parsauni P.S. Case No. 02 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further 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 bond by the Trial court itself;

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

(iv) 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;

(v) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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