

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55755 of 2022

Arising Out of PS. Case No.-341 Year-2022 Thana- SURSAND District- Sitamarhi

Vimla Devi @ Vimala Devi, Female, aged about 45 years, W/O Nandlal Thakur Resident of Village- Jawahi, Ward No. 6, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Adv.
For the Informant	:	Mr. Alok Kumar Alok, Adv.
For the State	:	Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sursand P.S., Case No. 341 of 2022 registered for the offence punishable under Section 304(B), 201 read with Section 34 of the Indian Penal Code (for brevity 'IPC').

The informant's daughter was married on 30.05.2021. It is alleged that she has been subjected to cruelty and torture for non-fulfillment of certain demands (dowry). On 06.07.2022, he has received intimation regarding his daughter's death and cremation. With the help of police, the body of the daughter has been recovered and the case is instituted on the next day (07.07.2022).

Learned counsel for the petitioner submits that there are general and omnibus allegations made in the First Information Report (for brevity 'F.I.R.') and the petitioner (mother-in-law) has



also been made accused, though there is no specific allegation against her. As in any cases of 304(B), the informant is not an eye-witness. The petitioner's *bona fides* are evident from the fact that she has been arrested two days after the alleged occurrence from her home. The investigation now is complete. Petitioner is in custody since 08.07.2022.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail.

It is submitted that the informant has specifically named the petitioner along with the other family members. Death of the victim has occurred at her matrimonial home within few months more than a year from her marriage and the same is preceded by allegations of cruelty and demand for dowry.

Considering the rival submissions, petitioner's relationship, period of custody, nature of allegations and the fact of investigation being complete, 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 J.M.-I, Pupri, District- Sitamarhi, in connection with Sursand P.S. Case No. 341 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.

(Madhuresh Prasad, J)

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