

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59393 of 2023

Arising Out of PS. Case No.-386 Year-2023 Thana- MAJHAULIA District- West Champaran

Bachhi Devi W/o Nand Kishore Kha @ Nand Kishore Singh, R/o Village
Bishambra Rulahi PS Majhauiliya Dist West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Vagisha Pragya Vacaknavi, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Majhualiya P.S. Case No. 386 of 2023 registered for the offences punishable under Section 302/34 of the Indian Penal Code. She has got no criminal antecedent.

3. Learned counsel for the petitioner submits that his sister was married with the son of the petitioner in the year 2009. It is alleged that on 15.05.2023, he was informed that her sister has died. The informant reached at the house of his sister and found black mark around the neck of his sister. It is alleged that his sister has been killed by her husband and other in-laws.

4. Learned counsel for the petitioner submits that during investigation, the I.O has found the case true against the



father-in-law and husband of the deceased under Section 306/34 of the IPC and not under Section 302 of the IPC. It is further submitted that this petitioner is the mother-in-law and the investigation has been kept pending against her till date. The alleged occurrence has taken place 14 years after the marriage and the post-mortem report discloses that the daughter-in-law of this petitioner died on account of asphyxia due to hanging and no other bodily injuries are found to suggest any use of external force against her.

5. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein the petitioner is said to be the mother-in-law of the deceased and the case of murder has not been found true against the father-in-law and the husband, this Court directs that in case of her arrest or surrender within a period of six weeks from today, the petitioner above named shall be released on bail in connection with Majhualiya P.S. Case No. 386 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



6. 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.

7. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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