

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59227 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- RANIYATALAB District- Patna

Sukhali Devi Wife Of Daroga Yadav R/o vill - Saidabad, P.S. - Rani Talab,
Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr.Arun Kumar, learned counsel for the
petitioner and Mr.Ram Anurag Singh, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Rani Talab P.S. Case No.63 of 2023, FIR dated 28.02.2023 registered for the offences punishable under Sections 304(B)/201/34 of IPC.

3. Allegation against the petitioner is that he alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the daughter of the informant.

4. Learned counsel for the petitioner submits that the 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. Further submits that from a bare



perusal of the FIR it appears that there is no accusation of any assault or overt-act attributed against the petitioner rather there is allegation against the petitioner that she has demanded the dowry from the family members of the deceased. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the husband of the deceased, namely, Mantu Kumar, who happens to be son of the petitioner, who is in judicial custody since 14.05.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR and she has demanded the dowry from the family members of the deceased.

6. Considering the aforesaid facts, petitioner has clean antecedent and no accusation of any assault or overt-act in the FIR, let the petitioner, above named, in the event of her 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 learned Additional Chief Judicial Magistrate, Danapur, Patna in



connection with Rani Talab P.S. Case No.63 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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 his/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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