

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61197 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- BAKHTIYARPUR District- Patna

SIMA DEVI wife of BACHCHU SINGH Village- Mogalpura Dih, Ps-
bakhtiyarpur Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Prasad Singh son of Late Ghana Prasad Singh Village- Sherpur Ps-
Manchi Dist- Patna

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-10-2023 1. Heard the learned counsel for the petitioner and
learned APP for the State.
2. This is an application for grant of anticipatory bail
in connection with Bakhtiyarpur P.S. Case No.266 of 2022,
registered for offence under Section 304-B/34 of the IPC.
3. The case of the prosecution, according to the
informant, in brief, is that the marriage of the daughter of the
informant was solemnized with one Bikash Kumar in the year
2021, as per Hindu rites and rituals and during the course
thereof, articles worth Rs.5 lakh were given to the accused
persons, whereafter the daughter of the informant had gone to
her matrimonial home, however, subsequently, the in-laws



started torturing her on account of non-fulfillment of the demand for dowry, and finally, she was murdered by the accused persons on 23.06.2022.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner, who is the aged mother-in-law of the deceased-victim lady and the main accused may be the husband of the deceased-victim lady, hence, at least the petitioner be granted anticipatory bail, subject to the main accused, i.e. the husband of the deceased-victim lady, surrendering before the learned Court below, within a period of four weeks from today.

5. *Per contra*, the learned APP for the State submits that in case the main accused, i.e. the husband of the deceased-victim lady surrenders before the learned Court below, the petitioner may be granted anticipatory bail, however, subject to such conditions as may be deemed fit and proper to be imposed upon her.

6. Having regard to the facts and circumstances of the



case, taking into account the fact that a general and omnibus allegation has been levelled against all the accused persons, and considering the fact that the learned counsel for the petitioner has submitted that she be directed to be admitted to the privilege of anticipatory bail, subject to the husband of the deceased-victim lady surrendering before the learned Court below within a period of four weeks from today, I deem it fit and proper to direct that in case the petitioner produces proof of surrender of the husband of the deceased-victim lady, within a period of four weeks from today, before the learned Court of ACJM-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No.266 of 2022, the petitioner shall be admitted to the privilege of anticipatory bail, subject to such conditions as may be deemed fit and proper to be imposed by the learned Trial Court.

7. Accordingly, the present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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