

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59223 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- DARIYAPUR District- Saran

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SUGIA DEVI @ SUGGA DEVI Wife of Tetar Sah @ Nawal Kishore Sah R/o
vill - Semarahiya, P.S. - Dariyapur, Distt. - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Srivastva

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dariyapur P.S. Case No. 184 of 2022 registered on 09.04.2022
lodged under Sections 302/34of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against five named accused persons including the petitioner in
which informant has disclosed that the marriage of the daughter
was solemnized with the son of the petitioner against whom the
allegation is that he and his family members used to torture the
informant's daughter and due to this reason they have killed her
daughter by strangulating her neck by rope and fled away.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that vide



order dated 12.09.2023, this Court has pleased to call for the Case Diary and from the case diary, it becomes very much clear that the marriage of informant's daughter was solemnized 10 years back and moreover she has a three child born out of the wedlock.

5. Counsel further submits that in paragraph 19 which is the statement of 161 of Cr.P.C., son of the deceased disclosed that his mother was short tempered and become angry immediately and use to give threat to kill herself by hanging. He submits that on two early occasions, she has tried to hang herself. He further submits that day on which the occurrence took place, the entire family went at the Chaat Ghat and informant's daughter was at the house and when they return found that the informant's daughter killed herself by hanging.

6. Counsel further submits that petitioner is in custody since 10.07.2023 having clean antecedent. Counsel further submits that upon realizing the mistake and intervention of the family members and well wishers, an application has been filed by both the parties to close the case which is Annexure-2.

7. Learned counsel for the State opposes the prayer for bail and submits that it is the case of Section 302/34 of the I.P.C.



8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Dariyapur P.S. Case No. 184 of 2022, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(v) 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.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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