

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57792 of 2022**

Arising Out of PS. Case No.-622 Year-2020 Thana- SONEPUR District- Saran

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KALIYA DEVI @ SHIVKALIYA DEVI Wife of Sitaram Mahto Resident of  
Village- Sikarpur @ Shikarpur Makaiya Tola, P.S.- Sonpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      09-02-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 304(B)/34 of the Indian  
Penal Code.

Petitioner, who is mother-in-law of the complainant is  
said to have ousted the complainant from her matrimonial home  
in association of her family member over the dowry demand.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent and she has falsely been  
implicated in the present case only on the ground that she is  
mother-in-law of the deceased. He further submits that it  
appears from the F.I.R. that there is general and omnibus  
allegation against all the accused persons including the



petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, who is father-in-law namely, Sita Ram Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 24.07.2021 passed in Cr. Misc. No. 16125 of 2021. The petitioner is in custody since 14.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Sonpur P.S. Case No. 622 of 2020, subject to the following conditions:-

1. 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

**(Rajesh Kumar Verma, J)**

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