

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73945 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- MANIYARI District- Muzaffarpur

SHIV KUMARI @ PHOOL KUMARI @ SHIV KUMARI DEVI Wife of
Naresh Ram Resident of Village - Purushottampur, P.S.- Maniyari, District –
Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail, who is in custody since
04.09.2021 in connection with Maniyari P.S. Case No. 16 of 2021,
F.I.R. dated 14.01.2021 registered for the offence punishable
under Sections 341,323,498(A), 307/34, 304(B) of the Indian
Penal Code and Section 3/4 of Dowry Prohibition Act.

According to prosecution case, the informant gave a
written statement on 14.01.2021 before Maniyari police and
stating therein that the informant married his daughter Mamta
Kumar with Vijendra Kumar on 09.04.2018 at his village. In the
marriage the informant gave gift his son in law but after
marriage the petitioner and his family members demanded dowry
in cash rupees one lakh but informant was not capable to
give their demand thereafter, the accused were tortured the
victim for dowry and due to non-fulfilled the demand, all named



persons sprinkle Kerosene oil on the victim. All the F.I.R. named accused persons were burn the victim lady (Mamta Kumari) due to dowry and during treatment she died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. Further submits that the petitioner is mother-in-law of the victim and the petitioner is aged about 68 years old and she is living with her son and the allegation as alleged in the FIR is false and fabricated and the petitioner has no role at all in the alleged occurrence and co-accused person, namely, Naresh Ram, who is husband of the petitioner and father-in-law of the deceased, has been granted bail by this Court vide order dated 13.04.2022 passed in Cr. Misc. No.61286 of 2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 04.09.2021.

Learned APP for the State, on other other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, 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 learned S.D.J.M., (East), Muzaffarpur in connection with Maniyari P.S. Case No. 16 of 2021, with 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 his/her absence on two consecutive dates without sufficient reason, his/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 his 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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