

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68341 of 2022

Arising Out of PS. Case No.-117 Year-2022 Thana- BIHRA District- Saharsa

SHOBHA DEVI W/O PROMOD SHARMA Resident of village- Tuniyahi,
Ward no- 9, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
For the Opposite Party/s	:	Mr.Choubey Jawahar, APP
For the Informant	:	Mr.Kuldeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-04-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R and apprehending her arrest in connection with Bihra P.S. Case No. 117 of 2022 registered for the offences punishable under Sections 304-B, 498-A, 120-B, 504, 506, 201 and 34 of the Indian Penal Code (in short 'I.P.C.').

The allegation against the petitioner is to cause death of daughter of the informant, along with other co-accused persons/family members, due to non-fulfillment of demand of



dowry as raised for cash of Rs. 3 lakhs.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is mother-in-law and having no connections with the daily and domestic affairs of the deceased and her husband. It is submitted that present complaint case was lodged after two months of the occurrence without explaining any delay. While concluding the argument, it is submitted that the thrust of allegation is available against the husband of the deceased who is in custody and, moreover, petitioner is a lady of clean antecedent.

Learned APP duly assisted by learned counsel, Mr. Kuldeep Kumar, for the informant, while opposing the prayer of bail submitted that informant tried his best to lodge FIR of the occurrence but despite of reporting this matter even to Superintendent of Police (S.P) and Deputy Inspector General of Police (D.I.G) of the concerned zone, no FIR was lodged subsequently, the matter was raised through complaint before the Court of learned Chief Judicial Magistrate, Saharsa, where under the direction of the Court under Section 156 (3) of the Cr.P.C., the FIR was lodged and, as such, the plea of delay is non-convincing, however, it is conceded that petitioner is mother-in-law of the deceased.



Considering the aforesaid facts and circumstances, as petitioner is mother-in-law, who is a lady of clean antecedent, let above named petitioner, in the event of her arrest or surrender within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa/concerned Court, in connection with Bihra P.S. Case No. 117 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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