

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70563 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- SIGAUDI District- Patna

Shila Devi Wife Of Dharmendra Singh Resident Of Village- Murarchak, Ps-
Sigori, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr.Nitya Nand Neeraj,learned counsel for the
petitioner and Mr.Pradeep Narain Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Sigaudi Case No.25 of 2023, FIR dated
09.02.2023 registered for the offences punishable under
Sections 304(B)/201/34 of IPC.

3. The allegation is regarding the marriage of the
deceased victim lady, having been solemnized with one
Dharmendra Yadav, about six years back, whereafter, she had
gone to her matrimonial home, however, subsequently, the
accused persons, including the petitioner herein, started
torturing her on account of non-fulfillment of the demand for
dowry and then they had killed her.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent. She has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and from a bare perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or demand of dowry attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the petitioner is first wife of the husband of the deceased and the co-accused persons, namely, Jalendra Yadav @ Jalandhar Kumar @ Jalandhar Ranjan Kumar Prabhakar and Anju Devi @ Anju Kumari, who are brother-in-law and sister-in-law of the deceased, co-accused persons, namely, Shakuntala Devi and Ramji Yadav @ Ramji Singh @ Chandra Shekhar Singh, who are mother-in-law and father-in-law of the deceased, have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court vide orders dated 11.08.2023 and 20.09.2023 passed in Cr.Misc. Nos.48486 of 2023 and 55381 of 2023 respectively and the husband of the deceased, namely, Dharmendra Yadav is in judicial custody since 17.03.2023.

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



petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate, 1st Danapur, Patna in connection with Sigaudi Case No.25 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) The learned court below is directed to verify the genuineness that whether the husband of the deceased is in judicial custody or not. If the husband of the deceased is not in judicial custody, the bail bond of the petitioner shall not be accepted.

(II) 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 bonds shall be cancelled by the Court below.

(III) If the petitioner tamper with the evidence or the



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

(IV) 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/her criminal antecedents, 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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