

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70359 of 2022

Arising Out of PS. Case No.-572 Year-2022 Thana- FATUA District- Patna

Nagiya Devi, aged about 50 years, (Female), Wife of Munni Singh R/O
Village- Nasirpur Balwa, P.S.- Fatuha, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ram Naresh Ray, Advocate
For the State	:	Mr. Amit Kumar Rakesh, APP
For the Informant	:	Mr. Bishwa Bijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner, learned APP for the State as well as learned counsel for the Informant.

The petitioner seeks bail in connection with Fatuha P.S. Case No. 572 of 2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code (for brevity 'IPC').

Informant has alleged killing of her daughter by her in-laws at her matrimonial home due to non-fulfillment of dowry of Rs. 2,00,000/- (Two Lakhs).

Learned counsel for the petitioner submits that the instant petitioner, being mother-in-law of the victim, has been made accused without any basis. The prosecution case is false and the petitioner having no criminal antecedent, is in custody since 11.08.2022. Petitioner has been separate in mess and worship from her son and deceased, and therefore, cannot in any way



held liable. Husband of the victim is in custody.

Learned APP for the State as well as learned counsel for the informant has opposed the prayer for bail. It is submitted that petitioner is also named accused, and the medical evidence suggests that the victim has been subjected to cruelty and assault.

Considering the rival submissions, petitioner's assertion regarding being separate in mess and worship, relying upon the Informatory Petition No. 2475 filed in the year 2019 (Annexure-2); relationship of the petitioner as mother-in-law of the victim, her clean antecedents, period of custody and the fact that husband is already in jail, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Judicial Magistrate, Ist Class, Patna City, District-Patna, in connection with Fatuha P.S. Case No. 572 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii)That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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