

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75731 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

Laxmina Devi W/O Jagnarayan Rai Village- Mohammadpur, Ps. Bhagwanpur
Hat, Dist. Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Jeetendra Narayan, learned counsel for
the petitioner and Mr. Shantanu Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Bhagwanpur Hat P.S. Case No. 198 of 2022, F.I.R. dated 14.07.2022 for the offences punishable under Sections 304 B r/w Section 34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. According to prosecution case, daughter of the informant is said to have been killed by the accused persons including the petitioner due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is mother-in-law of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the father-in-law of the deceased who is husband of the petitioner has been granted anticipatory bail by Co-ordinate Bench of this Hon'ble Court vide order dated 07.08.2023 passed in Cr. Misc. No. 29007 of 2023 and the husband of the deceased who is son of the petitioner is in judicial custody since 02.08.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Sub Divisional Judicial Magistrate, Siwan in connection with



Bhagwanpur Hat P.S. Case No. 198 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

ii. 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.

iii. 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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