

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74336 of 2022

Arising Out of PS. Case No.-412 Year-2022 Thana- AMARPUR District- Banka

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BABO DEVI @ PABO DEVI @ ANJANI DEVI W/O Narayan Prasad Singh
R/O Village- Berma Pachhiyari Tola, P.S- Banka, District- Banka
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023

Heard the parties.

The petitioner is in custody since 18.08.2022 in connection with Amarpur P.S. Case No. 412 of 2022 under Sections 304(B)/34 of the Indian Penal Code lodged on 27.07.2022 by informant Kiran Devi.

The prosecution story, in brief, is that the informant in his Fardbeyan alleged that her daughter namely Neha @ Nitu Kumari was married in the year 2019 with Rakesh Mandal and two Children were born out of the said wed lock. It is further stated that after sometime, the husband Rakesh Mandal, Devar Kundan Kumar, father in law Narayan Prasad Singh, mother in law Babo Devi started torturing her for dowry. When the daughter of the informant showed her inability to fulfill their demands, she was assaulted. On 27.07.2022, Rakesh Mandal



called the informant over her phone and told that her daughter had died. On hearing this, the informant along with others went there but no one from the family members were present there and only dead body of the of her daughter was lying in the house. The informant believed that all the accused persons had killed her daughter. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that she is mother-in-law and was living separately from the couple and further submission is that the husband is in custody since 19.08.2022(as stated in para-10 of the petition).

Learned APP opposes the prayer but concedes that the lady is in custody since 18.08.2022.

Considering that the petitioner is a lady, is in custody since 18.08.2022 (as stated in para-7 of the petition) and the husband of the deceased is in custody, this Court is inclined to grant her the privilege of bail. However, if it is found that the statement regarding custody of the husband is false, this order shall become infructuous.

Let the petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No.



412 of 2022 with conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/
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