

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77273 of 2023

Arising Out of PS. Case No.-412 Year-2019 Thana- VAISHALI District- Vaishali

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SHILA DEVI W/O LATE NAGENDRA JHA R/O VILLAGE- JARANG
RAMPUR, P.S- VAISHALI (BELSAR O.P), DISTT.- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan No.II
		Mr. Pranav Kumar
		Ms. Priyanka Kumari
		Ms. Anjana Gupta
For the Opposite Party/s :		Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Vaishali (Belsar O.P.) P.S. Case No.412 of 2019 registered for
the offences punishable under Sections 304 (B), 201 and 34 of
the IPC.

3. As per prosecution case, petitioner and others
are said to have committed the murder of informant's daughter
for non-fulfillment of demand of dowry and lastly the cremation
was also done by the accused persons.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 29.01.2023 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is mother-in-law of the deceased and she is quite innocent and has committed no offence as alleged in the FIR. Petitioner is residing separately from the deceased and her family and having no say in daily affairs of their life. The husband of the deceased is already in jail. He further submits that allegation against the petitioner is general and omnibus in nature. He further submits that co-accused, Magnu Jha, has already been granted bail vide Cr. Misc. No. 50187 of 2021 by the co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, petitioner being a lady, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 412 of 2019 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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