

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1861 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- KEWATI District- Darbhanga

Sunita Devi @ Sumitra Devi Wife of Mithilesh Jha R/v- Ladari, P.S.- Keoti,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Heard Mr. Subhash Kumar Mishra, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Keoti P.S. Case No. 325 of 2022, registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

As per the prosecution case, marriage of the daughter of the informant was solemnized with one Indrajeet Jha, way back in the year 2017, however, after the marriage the victim was subjected to demand of dowry and due to non-fulfillment of the same she was tortured and finally done to death.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a hapless mother-in-law and there is no specific allegation of any demand of dowry and torture



against her. He further submits that from the FIR, it is evident that the occurrence has taken place on 18.09.2022, however, the present FIR has been instituted on 20.09.2022. In fact the information with regard to the death of the victim has been given to the family members of the deceased and thereafter they came and participated in the cremation, but on account of instigation made by some unscrupulous persons, this FIR has been instituted. However, later on realizing this fact that on account of misconception and wrong information, he put his thumb impression in the written report, the informant himself filed a petition before the court below that the present FIR has been instituted on wrong information. He lastly submits that the petitioner is in custody since 19.09.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner happens to be mother-in-law of the deceased and her complicity cannot be denied as the death has taken place under unnatural circumstances within the seven years of marriage.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is mother-in-law and no specific allegation has been leveled against her, coupled with the fact that charge-sheet has been



submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga, in connection with Keoti P.S. Case No. 325 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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