

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.155 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- IMADPUR District- Bhojpur

Shobha Devi Wife Of Yogendra Ray Resident Of Village- Sawana, P.S.-
Imadpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.08.2022 in connection with Imadpur P.S. Case No. 34 of
2022, F.I.R. dated 15.03.2022 for the offences punishable under
Sections 304(B)/34 of the Indian Penal Code but the police
after investigation submitted the charge sheet against the
petitioner and others under Section 302/34 of the Indian Penal
Code.

According to prosecution case, in brief, is that Sudha
Devi Kumari (daughter of the informant) was married to co-
accused Chitranjan Ray as per Hindu rites and on the eve of
marriage, cash Rs.6,00,000/- (Six lakhs) and ornaments and



other articles worth Rs.3,00,000/- was gifted. It is further stated that after marriage, all her matrimonial family members including the petitioner subjected her to cruelty in connection with their demand of dowry and lastly on 15.03.2022 the informant got an information that her daughter was killed and her dead body was going for cremation secretarial. The informant blamed under conspiracy of each other all the accused persons killed her daughter for non-fulfillment of his demand.

Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the petitioner is cousin mother-in-law of the deceased and it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is no specific allegation of any assaulted or overt-act is attributed against the petitioner. He further submits that the petitioner is living separately from the family member of the deceased and he has no concern at all with the family affairs of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 24.08.2022.

The learned counsel for the informant and learned



Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that in fact the petitioner is living in the same house of the deceased and the husband of the deceased was not present at the time of occurrence.

Considering the aforesaid facts and circumstances, 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, 1st Class, Bhojpur at Ara in connection with Imadpur P.S. Case No. 34 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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