

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28843 of 2024

Arising Out of PS. Case No.-607 Year-2023 Thana- BIRAUL District- Darbhanga

1. TARA DEVI @ RAM TARA DEVI WIFE OF JYOTISH YADAV
RESIDENT OF VILLAGE - THIKA UCHTI, P.S. - BIRAUL, DISTRICT -
DARBHANGA
2. PUNITA DEVI WIFE OF UMESH YADAV RESIDENT OF VILLAGE -
KATUASA, KATWARA, PIPDA, P.S. - BAHERA, DISTRICT -
DARBHANGA, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vijaya Laxmi Srivastawa, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard Mrs. Vijay Laxmi Srivastava, learned Counsel
for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection
with ABP No. 98/24 arising out of Biraul P.S. Case NO.
607/2023 for the offence registered under sections 304(B) and
34 of the Indian Penal Code lodged on 18.12.2023 by the
complainant/informant Indu Devi

3. As per the prosecution story, the informant's
daughter was married to Satish Yadav but was always tortured
for dowry and on 06.12.2023 allegation is that she was
strangled to death. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



during the pendency of the petition, the petitioner no. 2, Punita Devi has been arrested and as such, the case against her be considered infructuous.

5. So far as petitioner no. 1, Tara Devi @ Ram Tara Devi is concerned, she is the sister-in-law (*gotni*) and living separately, only because belonged to extended family, implicated. Further, she made a categorical statement that the husband is in custody.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that all the family members conspired which resulted into killing.

7. Taking into account the fact that the petitioner is the sister-in-law (*gotni*), is a lady, the husband is in custody as submitted by the learned counsel for the petitioner, this Court is inclined grant her extended the privilege of bail.

8. Let the petitioner no. 1, Tara Devi @ Ram Tara Devi in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Benipur, Darbhanga in connection with Biraul P.S. Case No. 607 of 2023 subject to



condition as laid down under Section 438(2) of the Cr.P.C.

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

(ii) the petitioner no. 1, 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 no. 1 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 no. 1 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(Rajiv Roy, J)

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