

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28137 of 2024

Arising Out of PS. Case No.-447 Year-2023 Thana- GURUA District- Gaya

Mahangi Devi W/o Kapil Paswan Village Habipur PS Gurua Dist Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr.Vijay Kumar, learned counsel for the petitioner and Mr.Md. Shakir Ahmad, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Gurua P.S.Case No.447 of 2023, FIR dated 25.09.2023 registered for the offences punishable under Sections 304(B)/120(B)/34 of the Indian Penal Code.

3. As per FIR, allegation against the petitioner is that she alongwith other co-accused persons killed the informant's daughter Indu Kumari after compression of her neck for the non-fulfillment of dowry.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that the



petitioner is mother-in-law of the deceased. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or demand of dowry is attributed against the petitioner rather there is general and omnibus allegation against the petitioner and the husband of the deceased, namely, Ranjan Paswan is in judicial custody since 15.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault, overt-act or demand of dowry and the husband of the deceased, namely, Ranjan Paswan is in judicial custody, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Judicial Magistrate 1st Class, Sherghati at Gaya in connection with Gurua P.S. Case No.447 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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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