

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38693 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- PALI District- Jehanabad

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Sheo Kumari Devi @ Fulwanti Devi Wife of Surendra Yadav Resident of Village- Timalpur, Police Station- Pali, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Kumari, Advocate

For the Opposite Party/s: Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-08-2024 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Pali P.S. Case No. 87 of 2023 for the offence punishable under sections 304(B), 201 and 34 of the Indian Penal Code lodged on 14.07.2023 by the informant, Minta Devi.

3. As per the prosecution story, the informant alleged that her daughter was married to the Sujeet Yadav, two and a half years back was tortured for dowry and she had made a call and had suspicion that she may be killed. On a fateful day, they came to know about the killing by strangulation and also the cremation, which followed the FIR.

4. Learned counsel for the petitioner submits that it was a case of suicide as there was regular quarrel between the couple. A daughter was also born out of the wedlock and the fault on the



part of the husband is that after she committed suicide, the mortal remains were consigned to flames immediately thereafter for which he has already suffered by being in custody since 24.08.2023 though as per the learned Session Judge, he was arrested on 03.12.2023.

5. Learned counsel for the petitioner further submits that considering all the facts, the husband, Sujeet Yadav, the husband of the deceased has already been granted bail in Cr. Misc. No. 24159 of 2024 on 21.06.2024. The submission is that the petitioner being the mother-in-law, living separately have no role to play in the matter.

6. Learned APP opposes the prayer submitting that FIR is against all the accused persons of torturing the lady which ultimately resulted into her death.

7. Though, the allegation is there, the fact remains that the petitioner is a lady, mother-in-law, do not have criminal antecedent, the husband is now out of bail and as undertaken by him, she will be diligently appearing in trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction



of learned Judicial Magistrate, 1st Class, Jehanabad in connection with Pali P.S. Case No. 87 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(ii) the petitioner 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 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 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Adnan/-

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