

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38109 of 2024

Arising Out of PS. Case No.-176 Year-2012 Thana- KATORIYA District- Banka

Macholi Devi @ Machola Devi, aged about 45 years, Female, Wife of
Congres Yadav @ Kongress Yadav, Resident of Village- Udalkhut, P.S.-
Katoriya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Katoriya P.S. Case No. 176 of 2012 instituted for the offences
punishable under Sections 304(B)/34 of the Indian Penal Code.

3. As per the prosecution case, It is case of dowry
death due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent has committed no offence and has falsely
been implicated in this case. Petitioner is sister-in-law (Gotni) of
the deceased and has living separately from the deceased and
has no concern with her. He further submits that the deceased
has married more than 10 years from the date of FIR and she
has issueless. He next submits that the husband of the petitioner
has gone to informant's house and inform him about the



occurrence. Petitioner is a lady aged about 45 years has no criminal antecedent as stated in para 3 of the petition is in custody since 01.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and impugned order of the learned Additional District and Sessions Judge-IV, Banka dated 16.04.2024, it appears that petitioner is named in the FIR. From perusal of the case diary, it is evident that the doctor has found frothing blood stained from her mouth and the report of the victim is reserved. Further co-accused of this case namely Congress Yadav (husband of the petitioner) has granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 38276 of 2013 vide order dated 14.07.2014, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-4th, Banka in connection with Katoriya P.S. Case No. 176 of 2012.

(Ramesh Chand Malviya, J)

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