

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40931 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- MAHARAJGANJ District- Siwan

Ujagiya Devi @ Ujagiya Kunwar W/O Late Parshuram Ram Resident of
village-Risaura, P.S.-Maharajganj, District-Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 26-10-2024 Heard Mr.Sanjay Kumar Singh, learned counsel for

the petitioner and Mr.Ram Naresh Ray, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Maharajganj P.S. Case No.303 of 2023, dated
05.11.2023 registered for the offences punishable under Section
304(B),34 of IPC.

3. Allegation against the petitioner is that she
alongwith other co-accused persons have in furtherance of their
common intention committed the dowry death of the daughter
of the informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. She has falsely



been implicated in the present case merely on the ground that she 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 attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. Although the petitioner is named in the FIR and there is specific allegation against the petitioner that she alongwith other co-accused persons have committed the crime in question.

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 rather there is general and omnibus allegation and petitioner is mother-in-law of the deceased, 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 Additional Chief Judicial Magistrate-VI, Siwan in connection with Maharajganj P.S. Case No.303 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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