

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44721 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- BARHARIA District- Siwan

Usha Devi Wife Of Late Maharaj Ram Village- Raniur, P.S.- Barharia, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the State	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Ashok Kumar, Advocate
		Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioner is apprehending her arrest in connection with Barharia P.S. Case No. 416 of 2023, registered for the alleged offence under Sections 304(B)/201/34 of the Indian Penal Code.

03. As per prosecution case, the daughter of the informant was married with co-accused Guddu Ram and the petitioner is his mother. The allegation against the petitioner and other co-accused persons is that they killed the daughter of the informant and burnt her dead body. Further allegation is that there was demand of a motorcycle and torture related to said demand.

04. Learned counsel for the petitioner submits that



petitioner is a lady aged about 66 years and she has been falsely implicated in this case. The informant has deliberately not disclosed the date of marriage as the marriage was solemnized in the year 2013 and the occurrence took place in 2023, i.e., after lapse of 10 years and hence, no offence under Section 304(B) of IPC is made out. The deceased has three children and eldest son is aged about 09 years and two daughters are aged about 07 years and 05 years, respectively. It is not believable that there would be a demand of motorcycle and dowry and a lady having three children would be done to death after 10 years of her marriage. Learned counsel further submits that death of the daughter of the informant was accidental fall from roof and the parents of the deceased were informed and in their presence dead body was cremated. The informant also admits that he received information from the family members of the petitioner. Learned counsel further submits that the husband of the deceased is in custody for about 02 months. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that specific allegation against the petitioner



and co-accused persons is that they killed the daughter of the informant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague and improbable nature of allegation and further considering the possibility of false implication, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan/court concerned in connection with Barharia P.S. Case No. 416 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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