

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46873 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- KATHAIYA District- Muzaffarpur

Madhumala Devi @ Madhu Mala Devi W/o Muntun Singh R/o Village-
Jamalpur, P.S-Kathaiya, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Sheo Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Arvind Kumar, the learned Counsel for the petitioner, Mr. Sheo Kumar Prasad, learned Counsel for the informant and Mr. Ram Priya Sharan Singh, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 05.03.2024, in connection with Kathaiya P.S. Case No. 46 of 2024, FIR dated 04.03.2024, registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As to the prosecution case, the informant Balmiki Kumar, in brief, he says that my sister was married to Roki Shumar in the year 2023. Since the time of marriage, my sister Anupam Kumari was living in her in-laws' house. In her



in-laws' house, 1. Mother-in-law- Madhumala Devi 2. Muntun Singh 3. Husband- Roki Kumar 4. Babli Kumari, one month after the marriage, her entire family kept harassing her to bring two lakh rupees of dowry by repeatedly demanding it. Meanwhile, she was also beaten up two-three times. Mother-in-law and husband also threatened to kill her, which my sister told me and my father, after which we came from our village Harkamanshahi and made a compromise and whatever goods, money, car, jewelry were given by them, we had returned everything. On the day of marriage, even after that, her entire family used to torture her mentally and physically. Even after that, the entire family together killed her on 03.03.24 at around 01:00 pm. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case merely on the ground that she is mother-in-law of the deceased. He further submits that a bare perusal of the F.I.R., it appears that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R and in fact, she has committed suicide herself and it has seen from the paragraphs- 81 and 82 of the case diary that any independent



witnesses have not supported the prosecution and the police after investigation submitted charge sheet and she is in custody since 05.03.2024.

5. The learned Additional Public Prosecutor for the State and learned Counsel for the informant, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that she has named in the F.I.R. and has actively participated in the crime in question.

6. Considering the facts and circumstances of the case, let the petitioner, above-named, 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 the learned S.D.J.M., West, Muzaffarpur in connection with Kathaiya P.S. Case No. 46 of 2024, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court 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)

Neha/-

U		T	
---	--	---	--

