

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52446 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- DANDKHORA District- Katihar

Pushpa Devi wife of Binod Ray Village- Patahara Ps- Pandkhora Dist-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Musowir, Advocate
For the State : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Md. Musowir, learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Dandkhora P.S. Case No. 21 of 2024, F.I.R. dated 13.03.2024 for the offences punishable under Sections 498(A), 304(B) and 34 of the Indian Penal Code.

3. According to prosecution case, due to non-fulfillment of the demand of dowry all the accused persons including the petitioner has killed the daughter of the informant by hanging.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that



petitioner is mother-in-law of the deceased. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation against the petitioner. He further submits that husband of the deceased is in judicial custody.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent, there is no specific allegation against the petitioner and the husband of the deceased who happens to be the son of the petitioner is in judicial custody, 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 the learned S.D.J.M., Katihar in connection with Dandkhora P.S. Case No. 21 of 2024, 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 her absence on two consecutive dates without sufficient reason, his 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 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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