

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46847 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- ANGARH District- Purnia

Asha Das W/O Subhash Das, R/O Village-Kanjiya, P.S.- Angarh, Distt.-
Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-06-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Angarh P.S. Case No. 05 of 2024 dated 10.02.2024, registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the Petitioner along with other Accused Persons tortured and ultimately killed the deceased due to non-fulfillment of the demand of dowry.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that F.I.R. has been lodged under Section 304(B) read with Section 34 of the Indian Penal Code. However, Ld. counsel for the petitioner submits that the petitioner is neither husband of the deceased nor the family member of the husband of the deceased. He further submits that only allegation against the petitioner is that she has illicit relationship with the husband of the deceased. As such, no offence is made out under Section 304B of the Indian Penal Code against the Petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, particularly the fact that the Petitioner is neither husband of the deceased nor a family member of the husband of the deceased, **this petition is allowed**, directing the petitioner above-named, to be enlarged on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the



date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, I/C, Purnea, in connection with Angarh P.S. Case No. 05 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bonds of the petitioner after hearing her and getting satisfied that the petitioner has concealed her criminal antecedent despite her knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

S.Ali/ravishankar

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