

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60900 of 2024

Arising Out of PS. Case No.-719 Year-2023 Thana- MANER District- Patna

Kewalapati Devi Wife of Ram Swarup Rai, R/o Village- Haladi Chhapra,
Nayaka Tola, P.S.- Maner, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Akash Kumar Mishra, Advocate
For the Opposite Party : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Heard Mr. Akash Kumar Mishra, the learned counsel
for the petitioner and Mr. Amitesh Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Maner PS Case No. 719 of 2023, FIR dated
05.10.2023, registered for the offences punishable under Section
304(B) read with Section 34 of the Indian Penal Code and under
Section 3/4 of the Dowry Prohibition Act.

3. According to the prosecution case, the younger
daughter of informant informed him that his elder daughter has
been murdered by her in-laws by setting her on fire and when
informant inquired the same from the husband of his elder
daughter, he was informed that his daughter was burned by gas
stove and she is receiving treatment at NSMCH, Bihta hospital and
when the informant along with his family members and police



reached there, his daughter had already died.

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 she is the mother-in-law of the deceased. He further submits that the allegation levelled in the FIR is false and fabricated, in fact, the deceased died due to accident and husband of the deceased namely, Raj Kumar @ Rajkumar, who happens to be the son of the petitioner, has been granted the privilege of anticipatory bail by this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 86621 of 2023.

5. The 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 mainly the facts that petitioner has clean antecedent, there is no specific allegation of any assault or overt act against the petitioner and it has come that the deceased had died due to accident, let the petitioner, above-named, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Judicial Magistrate 1st Class, Danapur, Patna, where the case is pending in connection with **Maner PS**



Case No. 719 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 her 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)

Shahnawaz/-

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

