

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65083 of 2023

Arising Out of PS. Case No.-492 Year-2022 Thana- SHAHEBGANJ District- Muzaffarpur

KALAWATI DEVI W/O SRI LAKHINDRA MAHATO R/O VILLAGE-
AHIYAPUR, P.S- SHAHEBGANJ, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-02-2024 Heard Mrs. Bela Singh, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends her arrest in connection with Sahebganj P.S. Case No. 492 of 2022 for the offence registered under sections 304B and 34 of the Indian Penal Code lodged on 19.10.2022 by the informant, Shobha Devi.

3. As per the prosecution story, the informant alleged that marriage of her daughter was solemnized with Hare Ram Mahto but she was always tortured for dowry and on 19.10.2022, the informant came to know about the death of the lady. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the petitioner is mother-in-law, nothing to do with the couple, living separately, do not have criminal antecedent and further it has



been averred in paragraph 16 that the husband has surrendered and he is in custody.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid submissions put forward by the parties as also that the husband is in custody and FIR lodged, she will have to face the trial, this Court is inclined to extend her privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate-I, West Muzaffarpur in connection with Sahebganj P.S. Case No. 492 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail



bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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