

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64668 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- GURUA District- Gaya

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VIJAYLAKSHMI DEVI WIFE OF UPENDRA PRASAD R/O VILL BAIJU
BIGHA PS GURUA DIST GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 27-02-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Gurua P.S. Case No. 99 of 2023 instituted under Sections 304(B)/34 of the Indian Penal Code lodged on 26.2.2023 by the informant, Raj Kumar Prasad.

3. As per the prosecution story, the informant has alleged that he got information about killing of his daughter by in-laws and when went there, saw her lying from which it could be seen that she has been strangled. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner an aged lady, mother-in-law, living separately from the couple, do not have criminal antecedent, only because she is the mother of the deceased-husband implicated. Learned counsel further has taken this Court to paragraph-9 to show that



the husband of the deceased namely Mantu Yadav has been granted bail under section 167(2) of the Cr.P.C.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the submissions put forward by the parties as also that she is a lady, the husband is out of jail, she will be facing the trial, this Court is inclined to extend her privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Gurua P.S. Case No. 99 of 2023 to the satisfaction of learned J.M.-1st Class, Sherghati subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/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 co-operate in the investigation and make herself available to the police as and when required;

(iv) 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;

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

(Rajiv Roy, J)

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