

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70287 of 2024

Arising Out of PS. Case No.-368 Year-2024 Thana- GAYA MUFASIL District- Gaya

Sunaina Devi Wife of Rajendra Chaudhary R/O Village- Paroriya, P.S.-
Muffasil, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mrs.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 368 of 2024 registered for the offences
punishable under Sections 304(B), 302/34 of the Indian Penal
Code.

3. As per prosecution case, there is accusation that
whenever informant's daughter used to go her father's house, his
son-in-law (Sajan Kumar) used to go there and wanted to bring
her back forcibly and on refusal he used to assault her. It is
further alleged that co-accused Amresh Choudhary, elder
brother of co-accused Sajan Kumar informed the informant on
mobile that her daughter hanged herself. It is further alleged that
informant has belief that his son-in-law, Amresh Choudhary



(brother of his son-in-law) and mother of his son-in-law (petitioner) concertedly killed the informant's daughter and hanged her.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged against her in F.I.R. He further submits that petitioner being mother-in-law of the deceased, has falsely been implicated in the present case. He further submits that petitioner has been residing separately from co-accused Sajjan Kumar and the deceased for last about five years. Petitioner has no say in the family affairs of the deceased and main allegation is against co-accused Sajjan Kumar (husband of the deceased) who has surrendered before the trial court on 14.06.2024 and since then he is in custody. Learned counsel for the petitioner submits that petitioner being an old lady is in custody since 10.06.2024 and bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, petitioner is residing separately and has no say in the family affairs of the deceased and also taking into consideration



the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 368 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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