

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71580 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- DARPA District- East Champaran

Kunti Devi W/O Banka Sharma @ Banka Thakur, R/O Village- Gamharia
Kala, P.S- Darpa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Mr. Sunil Kumar No. III, the learned counsel

for the petitioner and Mr. Raj Ballabh Singh, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

15.07.2024, in connection with Bail Petition No. 1810 of 2024,

arising out of Darpa P.S. Case No. 15 of 2024, FIR dated

30.01.2024, registered for the offence punishable under Section

304(B) read with Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 35703 of 2024, which was

dismissed as withdrawn vide order dated 31.07.2024.

4. According to the prosecution case, the sister of

informant was subjected to torture by her in-laws over non-

fulfillment of dowry demand. It is further alleged that when the



informant went to meet her sister, he found her dead and suspects that her in-laws have murdered her due to non-fulfillment of dowry demand.

5. 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 petitioner is mother-in-law of the deceased. He further submits that from perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner. He further submits that other co-accused persons namely, Tetri Kumai and others have been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 31.07.2024 passed in Cr. Misc. No. 35703 of 2024. He lastly submits that the husband of the deceased namely, Rajan Sharma, who happens to be the son of the petitioner, has surrendered before the learned trial Court on 04.03.2024 and he is under judicial custody since then.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.



7. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, other co-accused persons have been granted the privilege of anticipatory bail and son the petitioner, who happens to be the husband of the deceased is in judicial custody since 04.03.2024, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Raxaul at Motihari, East Champaran, in connection with **Darpa P.S. Case No. 15 of 2024**, subject to 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)

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