

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81535 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- HAYAGHAT District- Darbhanga

Seema Devi Wife of Mukesh Ray R/O-Village - Gorihari P. S. - Hayaghat
Dist. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Hayaghat P.S. Case No. 77 of 2024 for the offence punishable under Section 302/34 of the Indian Penal Code lodged on 17.06.2024 by the informant, Amar Nath Rai.

3. As per the prosecution story, the informant alleged that the petitioner, who is elder brother had issue due to land dispute with the father as he had transferred more than of his share to his wife (the petitioner herein). Subsequently, the killing of the father took place and the informant has reason to belief that the petitioner's husband executed the same.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that his dispute was with the husband, though he he transferred the land in her name, he



being the house wife has no role to play in such matter, is in custody since 09.07.2024 having no criminal antecedent.

5. Learned APP opposes the prayer submitting that he being the wife of the main accused, no relief can be granted.

6. Though allegation is there, it is mainly against the accused Mukesh Rai, she has already remained in custody since 09.07.2024, has no criminal antecedent, FIR lodged, will be facing the trial, this Court is inclined to extend her the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Darbhanga/Concerned Court, in connection with Hayaghat P.S. Case No. 77 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his 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;

(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)

Ravi/-

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

