

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3489 of 2024

Arising Out of PS. Case No.-69 Year-2022 Thana- KANHAULI District- Sitamarhi

Jaypati Devi Wife of Ram Briksh Mandal, Resident of Village- Bhaluaha,
P.S.- Kanhauli, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Onkar Nath, the learned counsel for the

petitioner and Mr. Bhanu Pratap, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Kanhauli PS Case No. 69 of 2022, FIR dated
26.04.2022, registered for the offences punishable under Sections
304(B), 109, 323 and 201 read with Section 34 of the Indian Penal
Code.

3. According to the prosecution case, the informant
received information that the petitioner along with other co-
accused persons has murdered the daughter of the informant and
they are going to cremate her. It is further alleged that the
informant reached at the cremation site and stopped cremation. It
is further alleged that the incident happened due to non-fulfillment



of dowry demand.

4. 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 she is the mother-in-law of the victim. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against the petitioner and other co-accused persons. He lastly submits that the *post-mortem* report does not support the allegation levelled in the FIR.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and the allegation levelled against the petitioner is general and omnibus in nature, let the petitioner, above-named, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Sessions Judge, Sitamarhi, where the case is pending in connection with **Kanhali PS Case No. 69 of 2022**, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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