

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5630 of 2024

Arising Out of PS. Case No.-457 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Rekha Devi W/o Pradip Mandal Resident of Village- Narayanpur, Taraitha,
P.S.-Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-04-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Sultanganj P.S. Case No. 457/2023 for the offence registered under sections 304/34 lodged on 27.08.2023 by the informant Parema Devi.

3. As per the prosecution story, the informant alleged that her daughter was married to Piyush Kumar but was always tortured for dowry and on 23.08.2023 when she was pregnant, was assaulted and in course of treatment she subsequently died in the hospital. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the lady being pregnant, had developed complications taken to the hospital, died, normal cremation took place but later with an



ulterior motive, the FIR has been lodged. The further submission is that in any case, the deceased's husband Piyush Kumar is in custody since 28.08.2023.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the allegation of assault is against all the family members.

6. Considering the submissions put forward by the parties as also that husband is in custody, the petitioner is a lady having no criminal antecedent, FIR lodged and she will have to face the trial, this Court is inclined to extend her privilege of bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Bhagalpur. in connection with Sultanganj P.S. Case No. 457 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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 his 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;

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

(Rajiv Roy, J)

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