

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63333 of 2025

Arising Out of PS. Case No.-155 Year-2024 Thana- CHACKMEHSI District- Samastipur

Sita Devi W/O Shibu Mahto @ Shiv Narayan Mahto R/O Vill.- Rosera, P.S.-
Rosera, Dist.- Samastipur Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 103(1), 352, 3(5) of the Bhartiya Nyaya Sanhita.

3. As per the FIR, the daughter of the informant was married to the son of the petitioner. She was subjected to harassment and was ousted from her matrimonial house for which Complaint Case No.129 of 2016 was lodged under Section 498A/34 of the Indian Penal Code. Subsequently, on 25.07.2024, all the accused persons including the petitioner, brutally assaulted her due to which she succumbed to injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case solely on account of being the mother-in-law of the



deceased. It is submitted that the petitioner is around 65 years of age and is suffering from several ailments. The allegations levelled against her are general and omnibus in nature, without any specific overt act attributed towards her. It is further submitted that the petitioner neither tortured the deceased nor was involved in her death in any manner. It is also submitted that the petitioner was not residing with the deceased or her husband at the time of the incident. Prior to the institution of the present case, the deceased had filed Complaint Case No. 129 of 2016 under Sections 498A and 34 of the Indian Penal Code against the petitioner and others, in which the petitioner has already been granted bail. Furthermore, the husband of the deceased has been in incarceration since 11.03.2025. Lastly, it is submitted that the petitioner has one criminal antecedent, in which she is on bail.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner.

6. Taking into account that no specific overt act is attributed against the petitioner, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Samastipur/Successor Court in connection with Chakmeshi P.S. Case No.155 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

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

(Ajit Kumar, J)

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