

Arising Out of PS. Case No.-29 Year-2024 Thana- Baijnathpur District- Saharsa

Arising Out of PS. Case No.-29 Year-2024 Thana- Baijnathpur District- Saharsa

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

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

4 22-03-2025 Heard Mr. Satish Kumar Singh, learned counsel
for the petitioner, Mr. Mukesh Kumar Singh, learned Additional
Public Prosecutor for the State and learned counsel for the
informant.

2. The petitioner is apprehending her arrest in connection with Baijnathpur P.S. Case No. 29 of 2024, F.I.R. dated 23.04.2024 for the offences punishable under Sections 302, 304(B) and 34 of the Indian Penal Code.

3. According to prosecution case, the informant alleged that his sister, namely, Khushbu Kumari was married with petitioner's son, namely, Suman Kumar and after sometime they started to demand dowry from the sister of the informant and threatened her for consequences in case of non-fulfillment of the same and when after sometime, the informant went to see

her sister, he saw the body of his sister lying at Palang and all the family members had fled away.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and the petitioner has falsely been implicated in the present case made on the ground that she is mother-in-law of the deceased, namely, Khushbu Kumari, but from the perusal of the FIR, it appears that although the petitioner is named in the FIR but there is no specific allegation of assault or over act against this petitioner. The demand of dowry against the petitioner is general and omnibus in nature and allegation against all the accused persons including the petitioner. Apart from that informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, he has made accused the petitioner and other family members and husband of the deceased, namely, Suman Kumar is in custody since 27.04.2024.

5. The learned Additional Public Prosecutor as well as informant has vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner is named in the present FIR and with a common intention she along with other co-accused persons had committed the murder of the deceased.

6. Considering the aforesaid facts that the petitioner

is having clean antecedent, there is no specific allegation of assault against this petitioner in the FIR rather there is general and omnibus allegation against all the accused persons and the husband of the deceased who is happened to be the son of the petitioner, is in custody, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 Chief Judicial Magistrate, Saharsa, in connection with Baijnathpur P.S. Case No. 29 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below 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 verifi.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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