

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77730 of 2024

Arising Out of PS. Case No.-265 Year-2024 Thana- TURKAULIYA District- East Champaran

Prabha Devi Wife of Late Yogendra Rai Resident of Village- Kaparsandi, Ward No. 01, P.S.- Turkauliya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 78195 of 2024

Arising Out of PS. Case No.-265 Year-2024 Thana- TURKAULIYA District- East Champaran

Umesh Rai @ Umesh Prasad Yadav S/o- Late Yogendra Rai Resident of village-Kaparsandi, W.No-1, Ps- Turkauliya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 77730 of 2024)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP
(In CRIMINAL MISCELLANEOUS No. 78195 of 2024)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 14-05-2025 Cr. Misc. No.77730 of 2024

Heard Mr. Abhishek Kumar, learned counsel for the petitioner and Mr. Syed Mojibur Rahman, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Turkauliya P.S. Case No. 265 of 2024, F.I.R.



dated 23.05.2024 for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. As per the First Information Report, the informant alleged that the petitioner along with co-accused persons committed murder of her daughter (now, deceased) due to non-fulfillment of demand of dowry.

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 deceased. From bare perusal of the FIR it appears that although the petitioner is named in the FIR but there is no specific allegation of assault or overt act or demand of dowry rather the allegation levelled against the accused persons including the petitioner is general and omnibus and infact the informant is not eye witness of the alleged occurrence.

5. The learned Additional Public Prosecutor on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits the name of the petitioner transpired during the investigation that the petitioner was also involved in the present crime in question and apart from that the post-mortem report of the deceased suggest that cause of death is asphyxia due to hanging.

6. Considering the aforesaid facts and circumstances,



petitioner has clean antecedent and there is no specific allegation against the petitioner, 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 Additional Chief Judicial Magistrate-II, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 265 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 her absence on two consecutive dates without sufficient reason, her 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 her criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Cr. Misc No.78195 of 2024

Heard Mr. Abhishek Kumar, learned counsel for the petitioner and Mr. Syed Mojibur Rahman, learned counsel for the State.

2. After some arguments, learned counsel for the petitioner seeks permission to withdraw this bail application with with a liberty to the petitioner to surrender before the learned Court below within a period of four weeks from today and seek regular bail.

3. Permission is accorded.

4. The application is dismissed as withdrawn with the liberty that the petitioner surrender and seek regular bail before the learned Court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

(Rajesh Kumar Verma, J)

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