

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89492 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- SIMRI District- Darbhanga

Rekha Devi W/o Ramu Sahni R/o village- Kanshi, P.S.- Simri Bazar, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Adv.
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 24-03-2025 Heard learned counsel for the petitioner and Ms. Renu Kumari, learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Simri Bazar P.S. Case No. 128 of 2024 instituted for the offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of demanding dowry from the Informant and her father and, on non-fulfillment of the same, they abused and assaulted the Informant's father by fists, slaps and *lathi* due to which the Informant's father died in course of his treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against her and has falsely been implicated in the present case with some ulterior motive on the basis of false and concocted allegations. The petitioner is the mother-in-law of the Informant. Learned counsel for the petitioner further submits that the date of occurrence is 10.06.2024 but, the F.I.R. was instituted on 17.06.2024 that too without there being any plausible explanation for such delay which creates doubt in the veracity of the prosecution case. The F.I.R. has been lodged after death of the Informant's father. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. None of the independent witness of the locality has supported the prosecution case. He further submits that in course of investigation, the police has failed to collect any evidence against the petitioner which connects the petitioner with the alleged occurrence. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent. The petitioner is a lady and is languishing in judicial custody since 28.07.2024 without any rhymes or reason. Charge-sheet has submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He submits



that the petitioner is the mother-in-law of the Informant and is named in the F.I.R. He further submits that several witnesses in Para 6, 10, 19 and 20 of the case diary have supported the prosecution case. The postmortem report also supports the prosecution case. The Investigating Officer after completion of investigation has submitted charge-sheet against the petitioner under Sections 302/34 of the I.P.C.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent, there being no specific or direct allegation of assault against the petitioner as also the petitioner being lady, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Simri Bazar P.S. Case No. 128 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

