

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.364 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- KESARIA District- East Champaran

LACKY DEVI @ LAKKI DEVI W/O HARENDRA RAUT R/O VILL.-
BAIRIYA TOLA MATHIYA, W. NO 1, P.S.- KESARIYA, DISTRICT- EAST
CHAMPARAN Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-05-2025 Heard Mr. Nafisu Zzoha, learned counsel for the

petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Kesariya P.S. Case No. 35 of 2024, F.I.R. dated 16.02.2024 for the offences punishable under Sections 304B/34 of the Indian Penal Code.

3. As per the First Information Report, the informant alleged that the petitioner along with other co-accused persons committed the 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 sister-in-law of the deceased and apart from that it appears from the FIR that there is no specific allegation against the petitioner rather the allegation



levelled against the accused persons including this petitioner is general and omnibus. He further submits that the petitioner does not lives with the family member of the deceased and she is living separately with her two children and husband.

5. Learned counsel for the petitioner has filed a supplementary affidavit stating therein that husband of the deceased namely, Satyendra Raut, has surrendered before the Court below on 04.04.2025.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and husband of the deceased has surrendered before the court below on 04.04.2025 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 C.J.M, East Champaran, Motihari in connection with Kesariya P.S. Case No. 35 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.

(Rajesh Kumar Verma, J)

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