

(2020) 11 PAT CK 0007

Patna High Court

Case No: Criminal Miscellaneous No. 25356 Of 2020

Durgawati Devi

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** Nov. 4, 2020**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 201, 304B
- Code Of Criminal Procedure, 1973 - Section 438(2)

**Hon'ble Judges:** Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Prabhat Kumar Singh, Sucheta Yadav**Final Decision:** Disposed Of

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**Judgement**

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Prabhat Kumar Singh, learned counsel for the petitioner and Ms. Sucheta Yadav, learned Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State.

3. The petitioner apprehends arrest in connection with Barahara PS Case No. 118 of 2020 dated 03.04.2020, instituted under Sections 304B, 201/34 of the Indian Penal Code.

4. The petitioner, along with others, is accused of killing the daughter of the informant due to non-fulfillment of demand of motorcycle.

5. Learned counsel for the petitioner submitted that she is the daughter-in-law of the maternal uncle of the husband of the deceased and living

separately since more than 20 years after partition and there is no connection with the petitioner to the relationship between the husband and wife i.e., the deceased and her in-laws with whom she was living and moreover, there cannot be any role of the petitioner in killing the daughter of the informant when as per the allegation itself, the demand was for a motorcycle for the husband of the deceased with which the petitioner has no concern. Learned counsel submitted that the reference in the FIR itself with regard to another case filed by the deceased, was against the husband and others but not against the petitioner and that too related to matrimonial dispute. Learned counsel submitted that the petitioner, besides being a lady, has no criminal antecedent and clearly has been falsely implicated by the informant only because she is related to the family of the husband of the deceased.

6. Learned APP submitted that as per the allegation, the petitioner was also involved in the demand of motorcycle.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in Barahara PS Case

No. 118 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, the petitioner shall cooperate

with the police/prosecution and the Court. Failure to do so shall lead to cancellation of her bail bonds.

8. The application stands disposed off in the aforementioned terms.