

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49847 of 2014

Arising Out of PS.Case No. -422 Year- 2014 Thana -SOUR BAZAR District- SAHARSA

Laxmi Devi W/o Sri Hari Bhajan Thakur, resident of village Bhaddi, P.S.
Sour Bazar, Dist. Saharsa.

.... Petitioner

Versus

1.State of Bihar
2. Ganesh Jha S/o Late Amarnath Jha, resident of village Baghwa, P.S.
Simri Bakhtiyarpur, Dist. Saharsa.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Bidhan Chandra Jha
For the Opposite Parties : Mr. S.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 21-05-2015 Heard both sides.

The petitioner along with her son are facing
accusations punishable under Sections 498A, 302/201 and 120B,
34 of the IPC vide Sour Bazar P.S. case no. 422 of 2014.

The daughter of the informant was married to the
son of the petitioner four years ago. She was unable to bear a child
on account of which, it is alleged, she was being tortured.
Subsequently, the victim was done to death in the matrimonial
home in suspicious circumstance inasmuch as the body was
disposed of.

It has been submitted that the petitioner is a lady aged
about 65 years. Her elder son is also married to the elder daughter
of the informant. Purposely he has not been named as accused by

the informant in the present case. There are contradictions in the evidence which was collected in course of investigation. It has also been submitted that many witnesses who have been examined have not supported the complicity of the petitioner in the alleged crime.

Learned APP for the State, on the other hand, submits that although there is no allegation of torture on account of demand of dowry but since the lady died in suspicious circumstance in the matrimonial home within four years of marriage and as such Section 304B of the IPC shall be attracted.

In my view, considering the seriousness of the allegations and the facts emanating from the record, the petitioner does not deserve the privilege of anticipatory bail. She is lady and aged about 65 years are the matters which the learned court below shall consider once she surrenders and prays for regular bail.

The application is dismissed.

(Kishore Kumar Mandal, J)

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