

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28933 of 2017

Arising Out of PS.Case No. -112 Year- 2016 Thana -HULASGANJ District- JEHANABAD

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Kiran Devi, W/o Raj Nath Prasad @ Raj Nath Yadav, R/o Village- Gidarpur, P.S.-
Hulasganj, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate
For the State : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Hulasganj P.S.
Case No. 112 of 2016 dated 16.12.2016 instituted under Sections
304B/201/34 of the Indian Penal Code.

3. The allegation against the petitioner and five others
is of killing her daughter-in-law.

4. Learned counsel for the petitioner submitted that she
is an old lady and mother-in-law of the deceased and her son along
with the deceased were living separately. It was submitted that in the
entire *fardbeyan*, the thrust of the allegation is against the husband
i.e., the son of the petitioner, and only general and omnibus
allegation of torture and demand of dowry against the petitioner and



others. Learned counsel submitted that witnesses have also stated about torture and demand of dowry against the husband and not the petitioner. It was further submitted that the son of the petitioner is in custody.

5. Learned A.P.P., upon going through the case diary, submitted that against the petitioner also many independent witnesses have stated that she was party to torture and demand of dowry. It was submitted that after investigation, the allegation has been found true against the petitioner and others under Sections 302, 301 and 34 of the Indian Penal Code. Learned counsel submitted that the circumstances against the petitioner, and she being the guardian, there is no explanation as to why the family members of the deceased were not informed about her death so as to have taken part in the cremation. It was further submitted that since the deceased had given birth to two girls, the family members of the petitioner used to taunt and torture her for not giving birth to a male child and that demand of Rs. 1,00,000/- was being made on her, due to which the incident occurred. Learned counsel submitted that being the mother-in-law of the deceased, she cannot shirk from the responsibility of what has happened and the manner in which it has happened.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court



is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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