

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52802 of 2016

Arising Out of PS.Case No. -12 Year- 2013 Thana -KAHAIYA District- MUZAFFARPUR

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Most. Premi Kunwar @ Premi Devi Wife of Late Baldeo Sah Resident of
Village - Thatiya, Police Station - Kathaiya, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 17-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Kathaiya P.S. Case No. 12 of 2013 registered under Sections
302, 498A/34 of the I.P.C. pending in the Court of Judicial
Magistrate, 1st Class, Muzaffarpur.

The allegation against the petitioner, who is mother-
in-law of the deceased, is of torture due to non-fulfillment of
demand of dowry, which ultimately led to her death.

Submission is that petitioner is mother-in-law aged
about 70 years has committed no overt act. It is also submitted that
the petitioner has no criminal antecedent and has falsely been
implicated in this case.



Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of the petitioner with submission that in the Postmortem Report, the Doctor has specifically mentioned that the deceased died due to asphyxia caused by hard and blunt substance, as detailed in paragraph no. 24 of the case diary and in course of investigation, the witnesses have also supported the prosecution case.

Having considered the facts and circumstances of the case and nature of the allegation, I am not inclined to allow the prayer of the petitioner for anticipatory bail. Accordingly, prayer of the petitioner is rejected.

(Arvind Srivastava, J)

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