

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61422 of 2017

Arising Out of PS. Case No.-546 Year-2017 Thana- BHABHUA District- Bhabhua (Kaimur)

Bij Rani Kuer @ Brij Rani Kuwer, W/o- Late Prem Singh, R/o- Village- Sion,
P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsels for the petitioner and State.

The petitioner being the mother of the husband of the victim is apprehending arrest in a case registered for the offences punishable under Sections 304B/34 of the IPC.

The prosecution case got initiated by filing Complaint Case No. 978 of 2017 by Hitlal Singh, the complainant on 17.08.2017, which, after being transferred under Section 156(3) of the Cr. P.C., got registered as Bhabua P.S. Case No. 546 of 2017. The informant has alleged that daughter of the informant, namely, Guddu Devi was married with Bhupendra Singh @ Guddu about twenty years prior to the lodging of the present case, but thereafter, the victim was blessed with one son and one daughter, but consequently, demand of further dowry was made and torture was inflicted. Subsequently, accused persons drove



the victim out from matrimonial house. On 16.05.2016, when the informant went to meet her daughter at her in-laws place, she was found missing. However, the grand children were there, who conveyed to the informant that the family members has administered poison to the victim and have taken her to Varanasi, when the informant went to Varanasi, where the victim stated that she has been administered poison by her mother-in-law and the husband and subsequently, she died. Thereafter, the police got the postmortem conducted, but even then, no FIR was lodged. The informant informed the Bhabua police, but no action was taken.

It is submitted by learned counsel for the petitioner that the victim was suffering from Tuberculosis and during treatment in the hospital, she died on 15.05.2017, whereas the complaint was filed on 17.08.2017. Though, the informant came to know about the occurrence, as per the complaint petition, on 16.05.2017, but in the complaint, there is no explanation for such delay.

It is further submitted that as per own admission of the informant, marriage was performed 20 years prior to the lodging of the present case, hence, Section 304B IPC is not made out. Admittedly, the informant is not the eye-witness to the occurrence.



Learned APP submits that thrust of accusation is against the petitioner also.

Considering the delayed lodging of the complaint and thrust of accusation is against the husband of the victim, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, kaimur at Bhabua in connection with Bhabua P.S. Case No. 546 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

