

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63036 of 2018

Arising Out of PS. Case No.-70 Year-2017 Thana- BANSHI District- Jehanabad

Gayatri Devi Wife of Pramod Tiwari Resident of Village- Kalyanpur, Police Station-Banshi, District-Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No-2
For the informant	:	Mr. Ranjeet Tiwary
For the State	:	Ms. Shaheen Begum

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 11-12-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

The petitioner apprehends her arrest in connection with Banshi P.S. Case No. 70 of 2017 registered for the offense punishable under Sections 304(B)/201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the present petitioner is the Chachi (Aunt) of the husband of the deceased and has been named in the F.I.R. which has been lodged under Section 304 (B) of the Indian Penal Code. He further submits that a bare perusal of the F.I.R. itself reveals that there is no particular allegation against the present petitioner. He thus submits that the present petitioner being in the extended family,



the demand of dowry as against her is wholly unjustified and her name has been included only to rope in the entire family. It is further submitted that the present petitioner and her husband has been living separately from the family and such demand would not have benefited her in any manner. He thus prays that the petitioner may be extended the privilege of anticipatory bail.

Learned counsel appearing on behalf of the informant however, submits that the family is a joint family and the petitioner was having illicit relations with the husband of the deceased and it is only for this reason that her name has been included in the present F.I.R. He further submits that the demand for dowry cannot be ignored as earlier also a *Panchayat* had taken place in which some sort of agreements have been arrived at. He next submits that in view of the facts and circumstances, the petitioner may not be extended the privilege of anticipatory bail.

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the parties, it appears that such story of illicit relationship or there being some sort of compromise in the *Panchayat*, is not available in the story which has been carved out in the F.I.R. The narration in the F.I.R. is a different story and thus the allegations against the



petitioner is wholly under a cloud.

In view of the aforementioned facts and circumstances and the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Arwal in connection with Banshi P.S. Case No. 70 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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