

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18850 of 2018

Arising Out of PS.Case No. -138 Year- 2017 Thana -AMAS District- GAYA

- =====
1. Malti Devi, W/o Rupu Yadav,
 2. Sarita Devi W/o Shankar Dayal Yadav,
 3. Shankar Dayal Yadav, S/o Rupu Yadav, null
 4. Bishun Dayal Yadav S/o Rupu Yadav, All R/o Village- Kasiyadih, P.S.-
Amas, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Neerad Parashar

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

5 11-07-2018 Heard learned counsel for the petitioner no.1,
learned counsel for the informant and learned APP for the State.

The petitioner no.1 apprehends her arrest in Amas
P.S. Case No. 138 of 2017 registered under Sections 147, 304(B)
and 201 of the Indian Penal Code.

Daughter of the informant is said to have been
subjected to dowry death by strangulation and her dead body has
been disposed of by the petitioner no.1 along with other accused
persons in haste.

It is submitted by learned counsel for the petitioner
no.1 that petitioner no.1 happens to be mother-in-law of the
deceased. Allegation levelled against petitioner no.1 is not specific



rather general and omnibus in nature. Witnesses in Para-9 to 11 of the case diary have stated that the deceased had consumed poison over altercation with her husband and petitioner no.1 has no role in the aforesaid occurrence, hence she may be enlarged on bail.

Learned APP opposing the bail petition submitted that the petitioner no.1 happens to be mother-in-law of the deceased. Witnesses in Para-6 to 8 of the case diary have supported the prosecution case. The witnesses of Para-9 to 11 of the case diary happen to be defense witnesses. Moreover, the dead body of the deceased has been disposed of in haste without conducting the autopsy, hence petitioner no.1 does not deserve bail.

In the facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no.1. Prayer for bail of the petitioner no.1 is rejected. Petitioner no.1 is directed to surrender before the court below and seek regular bail.

Learned lower court is directed to consider the prayer for regular bail of the petitioner no.1 and dispose of the same in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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