

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46840 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- RAHUI District- Nalanda

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KESHARI DEVI @ MANJU DEVI Wife of Binod Paswan, Resident of
Village - Bokna, P.S.- Rahui (Bhagan Bigha), District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 16-11-2019 Heard both sides.

The petitioner apprehends her arrest in Rahui (Bhaganbigha) P.S. Case No.129 of 2019 registered under Sections 341, 323, 498(A) and 304(B) of the Indian Penal Code.

The father of the deceased disclosed that he performed marriage of his daughter with Purushottam Kumar (son of the petitioner) on 17.04.2016 and his daughter went to her in-laws' house but her husband, mother-in-law, the petitioner (father-in-law) and other in-laws started subjecting her to different sorts of torture due to non-fulfillment of additional demand of dowry. The husband and other in-laws were demanding Rs.6 lacs and a piece of land from the informant. On 03.04.2019 the informant received information that his daughter was killed. The informant rushed there but all family members



were found missing from the in-laws' house of the deceased and the dead body of his daughter was lying on a cot.

Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner, submits that the petitioner is mother-in-law of the deceased. The husband of the deceased is employed in Fire Brigade Department and he is in jail. No specific allegation is made against the petitioner. The petitioner never demanded any dowry nor tortured the deceased. The deceased and her husband were quarreling with each other. From the postmortem report, it would appear that there is only a ligature around the neck of the deceased and no other injury was found on any part of the body of the deceased. This fact shows that no other person assaulted the deceased before her death and there is injury due to strangulation which may be a case of suicide. The petitioner was not even present in the house as her husband was under treatment in a hospital. Therefore, the petitioner deserves anticipatory bail.

Learned counsel for the informant as well as learned APP, however, opposed the prayer for anticipatory bail and submitted that it is a case of dowry death. The petitioner is mother-in-law of the deceased and it was petitioner under whose instruction the deceased was subjected to all sorts of torture



before her death. She was also strangled on the instigation of the petitioner due to non-fulfillment of additional demand of dowry. Therefore, the petitioner does not deserve anticipatory bail.

It appears from perusal of the case-diary as well as the postmortem report that the father of the deceased, of course, made the petitioner and other family members accused in the case but the informant did not make any specific allegation nor disclosed any incident disclosed by his daughter that the petitioner being mother-in-law of the deceased subjected her to any sort of torture due to non-fulfillment of additional demand of dowry. The informant received the information about death of his daughter and found the dead body of his daughter lying on a cot. The postmortem report shows that there is only one injury i.e. ligature mark around the neck of the deceased and the deceased died due to asphyxia on account of strangulation. There is no material in the case-diary save and except to show that the petitioner also participated in killing the deceased.

Having considered the facts aforesaid and the fact that the petitioner is mother-in-law of the deceased and no specific allegation is made against her and the husband of the deceased is in jail, the above named petitioner, in the event of her arrest or



surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Biharsharif, Nalanda in connection with Rahui (Bhaganbigha) P.S. Case No.129 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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