

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53873 of 2019

Arising Out of PS. Case No.-177 Year-2011 Thana- TURKAULIYA District- East Champaran

SEBAI DEVI @ SHIVANI DEVI, W/o Madan Paswan, R/o village- Nimoiya,
P.S.- Turkaulia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-08-2019 Heard learned counsels for the petitioner and the

State.

The petitioner, being the mother of the husband of the victim has renewed her prayer for anticipatory bail in connection with a case registered for the offences punishable under Section 304B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The accusation is of killing the daughter of the informant within one year of the marriage due to non-fulfillment of further dowry demand. It is specifically alleged that for the broken nosepin there was some dispute in between the petitioner and the victim when the victim was assaulted and abused by the



petitioner and other co-accused persons, and thereafter, the others also participated in throttling the victim. Ultimately, they killed the victim by strangulation and subsequently, the dead body of the victim was recovered from a water channel.

It is submitted by learned counsel for the petitioner that the post-mortem reflects no external injury on the body of the victim and the victim died due to drowning. It is further submitted that the husband of the victim and other co-accused persons have been acquitted vide judgment dated 01.03.2013 passed in Sessions Trial No. 660 of 2012/205 of 2012 by the learned 4th Additional Sessions Judge, East Champaran, Motihari, arising out of Turkaulia P.S. Case No. 177 of 2011.

Considering the fact that the bail application of the petitioner along with the other co-accused persons was rejected vide order dated 13.12.2012 passed in Criminal Miscellaneous No. 28704 of 2012 and now the prayer for grant of anticipatory bail has been renewed on 26.08.2019, this Court is not inclined to revise the earlier order.

However, keeping in view of the fact that the husband of the victim has been acquitted and the petitioner is a lady, let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by order of this Court, if



the petitioner surrenders before the learned Court below within
a period of six weeks in connection with Turkauliya P.S. Case
No. 177 of 2011, pending before the learned CJM, Motihari,
East Champaran.

(Dinesh Kumar Singh, J)

Ashwini/-

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

