

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15413 of 2020

Arising Out of PS Case No.-195 Year-2019 Thana- LAUKAHI District- Madhubani

Domni Devi, aged about 55 years (female) Wife of Indal Gupta @ Indar Prasad Gupta @ Indal Prasad Gupta @ Indar Gupta Resident of Mohalla/Village- Laukahi, P.S.- Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Kedar Jha, learned counsel for the petitioner and Mr. Kumar Veerendra Narayan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Laukahi PS Case No. 195 of 2019 dated 18.09.2019 instituted under Sections 304B, 302 and 201 of the Indian Penal Code.



4. The allegation against the petitioner and her family members is of burning her daughter-in-law.

5. Learned counsel for the petitioner submitted that she is the mother-in-law of the deceased and after marriage on 21.03.2019, the petitioner was living separately from all her sons having a different kitchen. Learned counsel submitted that actually the petitioner saw fire in the room of the deceased and raised a cry and people had come and it was found that the door was locked from inside and when it was opened, it was full of smoke and the deceased was found burnt. Learned counsel submitted that her son and the deceased had a fight due to which the husband of the deceased had gone out in the courtyard to sleep at night and the deceased had locked up her room from inside and had committed suicide by burning herself. Learned counsel submitted that the petitioner has no role in the said occurrence and further that the demand of dowry is fictitious as, even if for the sake of argument it is believed, that the petitioner and her family members were demanding dowry, it cannot be believed that they would be so impatient so as to kill the deceased within six months of marriage without waiting for a reasonable time to get their demand of dowry fulfilled. It was further submitted that the husband of the petitioner i.e., the father-in-law of the deceased, has been granted



bail in Cr. Misc. No. 11622 of 2020 on 28.02.2020. Learned counsel submitted that the petitioner is an indigent lady and earns her livelihood by working in various households and has no other criminal antecedent and is in custody since the very next date of the incident i.e., 19.09.2019.

6. Learned APP submitted that the allegation is of demand of dowry and the deceased was killed due to its nonfulfillment. However, he could not controvert the fact that the allegation in the FIR that the body was burnt to hide the evidence is not corroborated by the fact that postmortem examination of the body has been conducted.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur, District-Madhubani in Laukahi PS Case No. 195 of 2019 subject to the conditions (i) that one of the bailors shall be a reputed person of the locality, and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent



on two consecutive dates, without sufficient cause, shall lead to cancellation of her bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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