

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27431 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- KHIRI MORE District- Patna

Radhika Devi Wife of Yogendra Yadav Resident of Village - Raghunathpur,
P.S.- Khiri More, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.

For the State : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioner apprehends her arrest in connection with Khiri More P.S. Case no. 30 of 2020 instituted for the offence under Sections 304B, 201 and 120B/34 of the Indian Penal Code.

The informant has alleged that his daughter has been done to death by setting her ablaze after pouring kerosene oil. The petitioner happens to be the mother-in-law of the deceased.

It is submitted by the petitioner's counsel that the F.I.R. itself alleges that the marriage was solemnized nine years back.



The basic premise for the offence under Section 304B of the I.P.C., therefore, does not exist. The other allegations are only to the extent that there was demand for financial assistance and not dowry. The falsity of the allegation is evident from the fact that the occurrence has occurred on 08.03.2020 whereas the FIR has been registered on the next day i.e. on 09.03.2020 at about 20.30 pm and the case has reached the court on 12.03.2020. The submission is that being mother in-law the petitioner has been implicated only by virtue of her relationship, though she has no concern with the affairs of the victim and her husband as they are separate in mess & worship.

The learned APP for the State has opposed the prayer for anticipatory bail by submitting that the victim died due to burn injuries at the matrimonial home and, therefore, the petitioner, being the mother-in-law, is not entitled to the privilege of anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the Judicial Magistrate, 1st Class, Danapur, Dist. Patna, in connection with Khiri More P.S. Case No. 30 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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