

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32833 of 2020

Arising Out of PS. Case No.-249 Year-2019 Thana- NOKHA District- Rohtas

Kabutari Devi, aged about 48 years, Gender-Female, wife of Rajendra Singh @ Rajendra Yadav, resident of Village- Shrikhinda, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwari, Advocate
For the State	:	Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-04-2021

Heard Mr. Ajay Kumar Tiwari, learned counsel for the petitioner and Mr. Md. Matloob Rab, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Nokha PS Case No. 249 of 2019 dated 21.12.2019, instituted under Sections 304-B/34 of the Indian Penal Code.

3. The petitioner is the mother-in-law of the deceased i.e., the daughter of the informant and is alleged to have administered her poison along with other family members.

4. Learned counsel for the petitioner submitted that there is no iota of truth in the allegation as marriage took place on 05.06.2017 and the incident took place on 21.12.2019 i.e., almost 2½ years after marriage and during the period there was



no complain anywhere with regard to any torture and demand of dowry. It was submitted that the deceased due to some difference with the husband had herself consumed pesticide (thymate) leading to her death. It was submitted that no sign of any injury has been found on the body during postmortem and further, that thymate is a substance, which has strong smell and cannot be administered unknowingly. Thus, learned counsel submitted that a person cannot be said to be unaware of such chemical being administered because of the strong smell, which is indicative of the fact that she herself had consumed thymate, which is readily available in villages being a common pesticide. It was further submitted that the husband of the deceased i.e., the son of the petitioner, is in custody. Learned counsel submitted that the petitioner has no criminal antecedent. Learned counsel submitted that even the informant later on having realized his mistake, as he was present during the treatment at the hospital where she was taken by the petitioner's family and also at the last rites, has filed a petition before the Court below stating that due to misconception, he had filed the case and there was no demand of dowry or torture by the accused.

5. Learned APP, from the case diary, submitted that



there is allegation of demand of dowry and torture and the FSL report indicates that she was poisoned as thymate has been found in the viscera. However, he did not controvert that there is no material to indicate that in the past there was any complain anywhere with regard to any torture and also that the postmortem report does not disclose any sign of injury on the body.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 ACJM, VI, Rohtas at Sasaram, in Nokha PS Case No. 249 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of her bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the



petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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