

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32060 of 2020

Arising Out of PS Case No.-143 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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Lalo Devi, aged about 52 years (female), Wife of Binde Yadav, Resident of
Village - Laxmipur, PS - Sadar, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Rajiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-03-2021

Heard Mr. Abhay Kumar Singh, learned counsel for the petitioner; Mr. Abhay Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Rajiv Kumar, learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Darbhanga Sadar PS Case No. 143 of 2020 dated 04.04.2020, instituted under Sections 323/498(A)/34 of the Indian Penal Code to which later on Section 304 (B) of the Indian Penal Code was added as also Section 4 of the Dowry Prohibition Act, 1961.

3. The allegation levelled against the petitioner, who is mother-in-law of the deceased, by the informant, who is mother of the deceased, is that she along with other family members had



tortured the deceased demanding dowry of Rs. 5,00,000/- and there was also a minor girl child and after being ousted, due to *Panchayati*, the deceased had come back to the matrimonial home but the demand of dowry was reiterated and the accused had killed the deceased by giving poison and then to save themselves had shown that she had tried killing herself by hanging.

4. Learned counsel for the petitioner submitted that there may have been some matrimonial discord, but it was not so much that the petitioner and her family members would kill the daughter-in-law, especially when there was a minor child born. Learned counsel submitted that the minor child is living with the petitioner's family. It was further submitted that the petitioner side had spent over Rs. 10,00,000/- in the treatment of the deceased who survived for almost three months. It was submitted that as it is, the petitioner being the mother-in-law, was not directly involved in any dispute which may have been between the husband and the wife. Learned counsel submitted that the petitioner has clean antecedent. It was submitted that Binde Yadav, the husband of the petitioner had filed Cr. Misc. No. 31821 of 2020 for bail, in which the Court had called for a report from the Senior Superintendent of Police, Darbhanga and the same disclosed that Rs. 52,000/- was paid by the brother of the deceased



towards her treatment expenses while almost Rs. 10,00,000/- was paid by the family members of the petitioner towards the bill of the hospital where she was treated and thus, the Court had granted him bail on 27.01.2021. It was further submitted that there is no witness to the incident.

5. Learned APP and learned counsel for the informant submitted that the petitioner being the mother-in-law was equally responsible for the death of her daughter-in-law, as the incident occurred in the matrimonial house.

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 Chief Judicial Magistrate, Darbhanga in Darbhanga Sadar PS Case No. 143 of 2020, 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, (ii) that the petitioner shall cooperate with the Court. 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.)

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