

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32471 of 2020

Arising Out of PS. Case No.-621 Year-2019 Thana- BHAGWAN BAZAR District- Saran

ANITA DEVI wife of Late Lallan Manjhi resident of Village- Brahmpur Shyamchak, Masoomgnaj, Nya Basti, P.S.- Bhagwanpur Bazar, District- Saran Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Srivastava, Adv.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Yashraj Bardhan, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 19-07-2021 Heard Mr. Ranjan Kumar Srivastava, learned counsel for the petitioner and Mr. Yashraj Bardhan, learned counsel for the informant. The State is represented by Mr. Ram Priya Sharan Singh, learned APP.

The petitioner seeks bail in anticipation of her arrest in connection with Bhagwanpur Bazar P.S. Case No. 621 of 2019 dated 30.12.2019 instituted for the offences under Sections 304(B) / 34 of the Indian Penal Code.

The Learned counsel for the petitioner has submitted that she is the mother – in- law of the deceased and is a widow. She has been made accused in this case only because she happens to be the mother of the husband



of the deceased. Though there is an allegation in the F.I.R. of torturing the deceased because of non-fulfillment of dowry demand but it has been argued that seventeen days is too short for anybody to be tortured. He further submits that the deceased ended her life herself. This information was given to the family members of the deceased by her husband but since the relationship between the parties had been completely snapped with the death of the deceased, the informant has chosen to file this case, arraigning not only the petitioner and the husband of the deceased but also her sister in law . Considering this aspect of the matter, the sister in law of the deceased had been granted anticipatory bail by a Co-ordinate Bench of this Court.

The husband of the deceased is in custody.

As opposed to the aforesaid contentions, Mr. Yashraj Bardhan, learned counsel for the informant has submitted that there is specific accusation against the petitioner, who is a near-family member. The postmortem report indicates strangulation marks on the neck of the deceased.

Having heard the learned counsel for the parties



and having perused the records, this Court is inclined to admit the petitioner to anticipatory bail for the reason that the husband of the deceased is in custody and that there is nothing specifically alleged against the petitioner.

While saying so this Court has also taken note of the age and gender of the petitioner also.

This Court had granted provisional bail to the petitioner vide order dated 17.02.2021.

For the reasons afore-noted, the provisional bail is hereby confirmed.

The petitioner shall remain on the same bail bonds.

The petitioner, however, is cautioned that in case she does not participate in the investigation or if chargesheet is submitted and the case goes to trial and she does not participate in trial, the bail granted to her shall be rendered liable to be cancelled.

(Ashutosh Kumar, J)

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