

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38418 of 2020**

Arising Out of PS. Case No.-44 Year-2020 Thana- FESHAR District- Aurangabad

BHAGIRATHI DEVI, wife of Late Awadhesh Singh Resident of Village-Beli, P.S. Fesar, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-07-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 21.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends her arrest in connection with Fesar P.S. Case no. 44 of 2020, registered under Sections 341, 323, 302, 328, 120B and 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is that marriage of Chanchal Devi, sister of informant Vindhyachal Kumar Singh, was performed with Dhananjay Kumar, son of Late Awadhesh Singh, Resident of village-Beli, P.S. Fesar, District-Aurangabad in the year



2006, according to Hindu customs, while she was kept properly in her matrimonial house for sometimes, thereafter, she was being tortured for demand of dowry. On receiving information about harassment of his sister by the in-laws, the informant went at her matrimonial house and tried to convince her in-laws, but, later on, Renu Devi, sister-in-law of his sister, Uday Kumar, husband of Renu Devi, Pawanjay Kumar, Sonu Kumar, bother-in-laws and Bhagirathi Devi (Petitioner), mother-in-law, instigated Dhananjay Kumar to torture his sister Chanchal Devi. On 11.05.2020, in the evening, informant received information on his mobile from his sister Chanchal Devi that she was being tortured and assaulted then he went there on next day, in the morning, then he was informed by his cousin Pankaj Kumar that Chanchal Devi has been admitted at Sadar Hospital, Aurangabad, in critical condition. Thereafter, informant went at Sadar Hospital, Aurangabad, where no trace was found and, on inquiry in the hospital, he was informed that his sister has been referred to Gaya for better treatment. Thereafter, he tried to talk to his sister and her husband Dhananjay Kumar, but he could not succeed. Thereafter, he went at Beli, matrimonial house of his sister, where he came to know that all in-laws of his sister escaped from there after



locking the door. Thereafter, one ambulance driver informed him that his sister has been admitted at a private clinic at Chandi Asthan then informant went there and found his sister in critical condition alone. Thereafter, he managed to proceed Varanashi for treatment, but, in the way, the condition of his sister become more critical then he admitted her in the N.M.C.H. Jamuhar, where she died in course of treatment. The informant came to know that his sister has been killed by administering poison by her husband and in-laws.

Learned counsel for the petitioner submits that petitioner is the old mother-in-law of deceased Chanchal Devi, sister of informant. Further submission is that, in fact, Chanchal Devi was issueless due that reason, she was suffering from mental disorder and she made attempt to commit suicide, but family members of petitioner tried to save her life and she was admitted in the hospital. In course of treatment, informant came there and took her sister in other hospital, where she died, but, with ulterior motive, the petitioner has falsely been implicated in this case. Further submission is that the husband of deceased, sister of informant, is in custody.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the



event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Fesar P.S. Case no. 44 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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