

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.784 of 2021**

Arising Out of PS. Case No.-276 Year-2019 Thana- ASHTHAWAN District- Nalanda

Fulki Devi @ Sarmila Devi, Wife Of Kailash Yadav, Resident Of Village-
Dumrawan, Police Station- Asthawan, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar- Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 25-06-2021 Heard Mr. Birendra Kumar, the learned Advocate

for the petitioner and Ms. Indu Kumari Srivastava, the learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Asthawan P. S. Case No.276 of 2019,
instituted for the offences under Sections 498(A), 302, 34 of the
Indian Penal Code.

It has been alleged in the F.I.R. that the deceased
was married to one Kamlesh Yadav, who is the son of the
petitioner and in the beginning, there was a demand of dowry
and consequent harassment of the deceased because of non-
fulfilment of afore-noted dowry demand.

However, the relation between the spouses and the
in-laws continued.



The occurrence has taken after about 14 years of marriage. The cause of occurrence as stated in the F.I.R. is the protest of the deceased against the illicit relationship of her husband with another woman.

The learned counsel for the petitioners has submitted that she is an old lady and that in the past, her husband had filed an informatory petition before the Court below stating that the deceased and her husband are not treating them properly and there could be a possibility of their implicating the petitioner and her husband in a false case. Even otherwise, it has been urged on behalf of the petitioner that the deceased was suspected to have been killed because of the infidelity of her husband.

As such, the earlier/ old story of demand of dowry and consequent torture in which the petitioner also is alleged to have participated, cannot be linked to the death of the deceased after 14 years of marriage.

As opposed to the aforesaid contentions, the learned Advocate for the informant has submitted that the husband of the petitioner has been granted regular bail and therefore, the petitioner be also asked to surrender before the Court below to seek bail.



The learned counsel for the State has also opposed the grant of anticipatory bail.

Having heard the learned counsels of the parties and taking into account the fact that the deceased is reported to have been killed because of the protest she had made against her husband of his amorous relationship with another woman, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Vidyanand Sagar, learned Judicial Magistrate, 1st Class, Biharsharif, Nalanda in connection with Asthawan P. S. Case No.276 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

The application stands allowed.

(Ashutosh Kumar, J)

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