

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35500 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- BAHADURPUR District- Patna

MADHURI DEVI W/o Chandeshwar Mahto R/o village - Rampur, P.S. -
Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, A.P.P.
For the Informant	:	Mr. Raj Krishna Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 304(B)
and 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is mother-in-law
of the deceased.

The informant alleges that his sister was married to
Vicky Kumar in the year 2018 and after marriage the accused
persons including the petitioner started demanding dowry of
Rs.2,00,000/- and one motorcycle on which his sister protested.



It is alleged that the accused persons continued with the torture on account of non-fulfillment of the demand and on 23.05.2021 the neighbour of his sister informed that his sister was assaulted and killed by throttling by the accused persons including the petitioner and the dead body has been taken to Gulbi Ghat for cremation. It is alleged that when the informant reached Gulbi Ghat he found his sister lying near the electric cremation.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the allegation of demand is general and omnibus in nature and the husband of the deceased is in custody. It is submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the dead body was taken to Gulbi Ghat for cremation. It is, thus, submitted that if the deceased would have been killed then definitely the accused persons including the petitioner would not have been taken the dead body to Gulbi Ghat as before cremating several formalities are to be adhered to. Learned counsel next submits that the deceased committed suicide on account of the fact that she was not on good term with her husband and even the postmortem report records ligature mark on neck and death was on account of asphyxia due to hanging.



Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that had it been a dowry death or the deceased would have been murdered then definitely the dead body has not been taken to Gulbi Ghat where prior to cremation the records are maintained.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bahadurpur P.S. Case No. 115 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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