

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68891 of 2021

Arising Out of PS. Case No.-425 Year-2021 Thana- SAHARSA SADAR District- Saharsa

1. SANGITA DEVI Daughter of Lakshman Yadav Wife of Shivji Yadav @ Shivaji Kumar, Resident of Village - Patuaha Thuthi Ward No.- 36, P.S. and District - Saharsa, At present Village - Sisai, Dumma, P.S.- Bihra, District - Saharsa.
2. Lukhri Devi Wife of Lakshman Yadav Resident of village - Patuaha Thuthi Ward No.- 36, P.S. and District - Saharsa.
3. Phul Kumari Devi @ Phool Kumari Devi @ Phool Kumri Devi Wife of Sajan Yadav @ Dipan Kumar Yadav Resident of village - Patuaaha Thuthi Ward No.- 36, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 307,
302, 328, 498(A)/34 of the Indian Penal Code read with Sections 3
and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and petitioner no. 1 is
aunt (Fua) of the deceased, petitioner no. 2 is the grandmother of



the deceased and petitioner no. 3 is aunt (Chachi) of the deceased.

The informant alleges that his daughter was married to Pawan Yadav @ Deepak Yadav in the year 2015. After marriage the family members including the petitioners started torturing his daughter for dowry and on 29.05.2021 at 10:00 in the night the accused persons including the petitioners and some unknown assaulted his daughter and maternal granddaughter and made them consumed poison on account of which her maternal granddaughter died instantly and his daughter was in pain. It is alleged that his other maternal granddaughter was saved as she was staying with the informant. The accused persons were trying to dispose of the dead body but were seen by the villagers and, as such, they took his daughter to the hospital for treatment.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and on account of dispute with the husband the daughter of the informant consumed poison along with her daughter and when the petitioners and the family members came to know about the same they immediately rushed her to the hospital where she was saved after treatment but the child died. It is next submitted that no grandmother and aunt would kill their own granddaughter. It is further submitted that the informant is not an eyewitness to the occurrence nor in the FIR he even remotely suggests that how he



came to know about the occurrence and who were the villagers who took his daughter and maternal granddaughter to the hospital. This amply demonstrates that only to falsely implicate the entire family members false case came to be instituted and father of the deceased is in custody.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Saharsa Sadar P.S. Case No. 425 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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