

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19973 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- SARMERA District- Nalanda

Basanti Devi, Wife of Late Mahadeo Mahto, R/V- Ahiyapur P.S- Sarmera
Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dineshwar Mishra, Advocate
	Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Dineshwar Mishra, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

The petitioner apprehends her arrest in connection
with Sarmera P.S. Case No. 216 of 2022 registered for the
offences punishable under Sections 304-B/34/201 of the Indian
Penal Code.

It is alleged that the son-in-law of the informant
informed him that the daughter of the informant has died due to
intake of poison. On receipt of the aforesaid information, when
the informant went to his matrimonial house, he found that her
dead body was already disposed of. He further alleged that prior
to the alleged occurrence, accused persons were demanding
dowry and on non-fulfillment of the same, she was done to



death.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a hapless mother-in-law, aged about more than 80 years and there is no specific allegation against her. He further submits that the marriage took place in the year 2014 and the death has taken place in the year 2022 and, as such, Section 304(B) of the Indian Penal Code is not applicable in the present case, apart from the fact that prior to the present case at no point of time, any complaint has been made with regard to the demand of dowry. He next submits that in fact the deceased committed suicide on account of some altercation which took place between the husband and wife and she has no concern with the affairs of his son and the deceased.

On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the ominous nature of allegation and the old age of the petitioner, 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 bonds of Rs. 10,000/- (Rupees ten



thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bihar Sharif at Nalanda in connection with Sarmera P.S. Case No. 216 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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