

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23856 of 2023

Arising Out of PS. Case No.-590 Year-2022 Thana- PAKARIBARAW District- Nawada

AMERKI DEVI @ AMERIKI DEVI WIFE OF LATE ARUN PRASAD
RESIDENT OF VILLAGE- USARI, P.S. - PAKRIBARAWAN, DISTT. -
NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the Informant	:	Mr. Arjun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the informant.
2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his daughter was married to Chandan on 11.12.2021, but after marriage, she was tortured for non-fulfillment of the demand of dowry, further on 01.12.2022 he came to know that his daughter has been killed by



poisoning and the body was sent for postmortem.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case being mother-in-law, it is next submitted that the husband of the deceased is not an accused in the present case when he was also staying with the petitioner and other accused persons in the same house. It is further submitted that it is the duty of the husband to ensure the well-being of his wife, it is next submitted that even allegation of dowry and torture is general and omnibus in nature, it is next submitted that the bona fide of the petitioner gets established from the fact that though it is alleged that the victim was poisoned to death, but then no attempt was made to dispose off the body rather the body was sent for postmortem which amply demonstrates the conduct of the petitioner and other accused persons.

5. Learned counsel for the petitioner next submits that petitioner will not abscond rather will co-operate in the investigation and will present herself as and when required by the Investigating Officer of the case for eliciting the truth.



6. Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner, but are not in a position to rebut the submission of the learned counsel for the petitioner that it is the duty of the husband to ensure the well-being of his wife and that no effort was made by the accused persons including the petitioner to dispose off the dead body rather the body was sent for postmortem and that the informant is not an eye witness to the occurrence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pakribarawan P.S. Case No. 590 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, in the event if the Investigating



Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating or not presenting herself as and when called for, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

(Satyavrat Verma, J)

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