

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25409 of 2023

Arising Out of PS. Case No.-521 Year-2022 Thana- SARAIYA District- Muzaffarpur

Gaytri Dwivedi @ Gaytri Devi Wife Of Mahesh Dwivedi @ Mahesh Prasad
Dwivedi Village Datapur, P S Saraiya ,DISTRICT Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending her arrest in connection with Saraiya P.S. Case No. 521 of 2022 registered for the offence punishable under Sections 304B and 34 of the Indian Penal Code.

As per the allegation, the informant's daughter was married to the petitioner's son in the year 2022 and because she failed to fulfill the demand of Rs. 10,00,000/- (ten lakh) dowry, the informant's daughter was being subjected to cruelty and was confined. The husband of the victim has allegedly called the informant on 18.07.2022, informing that her daughter has self-immolated and is being taken to hospital for treatment. The informant had reached the hospital where she found the



daughter lying dead having sustained burn injuries.

It is submitted by learned counsel for the petitioner that the *bona fide* of the petitioner is obvious from the facts that the intimation regarding self-immolation done by the informant's daughter and that she has been taken to the hospital for treatment, were duly intimated by phone, even as per the allegations in the FIR. Another submission is that the petitioner is mother-in-law, aged about 73 years and is apprehending arrest only because she has been made an accused by virtue of her relationship with the husband of the victim, though she has no concern with the affairs of the victim and her husband. It is further submitted that victim's husband is in jail.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of allegation and the fact that petitioner is mother-in-law and there is general and omnibus allegation in the FIR, and victim's husband is in jail, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, West-Muzaffarpur in connection with Saraiya P.S. Case No. 521 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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