

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44081 of 2023

Arising Out of PS. Case No.-481 Year-2022 Thana- HARSIDHI District- East Champaran

Gayatri Devi, Wife Of Sonalal Sahni Village Sonvarsha Marwari Tola, Ps-
Harsidhi, District- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anant Kumar Mishra
For the Opposite Party/s :	Mr. Prem Kumar Jha
	Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.
2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 304(B), 201/ 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the informant alleges that his sister was married to Pradeep Kumar and after marriage, accused persons started demanding dowry of Rs.5 Lacs and for non-fulfilment of the demand, she was tortured and assaulted by her husband about which, she informed the informant. It is next alleged that he had called to meet her sister, but did not find her and on asking the accused



persons about her whereabouts, they did not give any definite reply, thus alleges that his sister has been killed and dead body has been disposed of.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the thrust of the allegation is against the husband, who used to assault and torture her for non-fulfilment of demand of dowry. It is next submitted that the informant does not even remotely suggest in his application that even petitioner coerced for dowry, though allegation of demand and torture is general and omnibus in nature. It is next submitted that whenever such occurrence takes place, the entire family members are implicated in a mechanical manner. It is next submitted that husband of the deceased has already surrendered and is in custody and the petitioner, being mother in-law, has been implicated, when informant is not an eye witness to the occurrence.

5. Learned A.P.P. along with learned counsel for the informant opposes the anticipatory bail application of the petitioner, but are not in a position to rebut the submission of the learned counsel for the petitioner that informant is not an eye



witness to the occurrence and the husband of the deceased is in judicial custody.

6. 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, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P. S. Case No.481 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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