

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50866 of 2023

Arising Out of PS. Case No.-723 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

1. ARVIND PURI SON OF SHAMBHU PURI RESIDENT OF VILLAGE-
MATH BAULIYA, AHIROULI BAGHEL, PS- BANKATA, DIST-
DEORIA UP
2. DULARI DEVI @ DULARIYA WIFE OF SHAMBHU PURI RESIDENT
OF VILLAGE- MATH BAULIYA, AHIROULI BAGHEL, PS- BANKATA,
DIST- DEORIA UP
3. NISHU DEVI WIFE OF ARVIND PURI RESIDENT OF VILLAGE-
MATH BAULIYA, AHIROULI BAGHEL, PS- BANKATA, DIST-
DEORIA UP
4. PRIYANSHI KUMARI @ PRIYANSHU @ PRIYANSHU KUMARI
DAUGHTER OF SHAMBHU PURI RESIDENT OF VILLAGE- MATH
BAULIYA, AHIROULI BAGHEL, PS- BANKATA, DIST- DEORIA UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-11-2023

1. Heard the parties.

2.The petitioners apprehends their arrest in connection
with Siwan Muffasil P.S. Case No. 723 of 2022 dated 06-12-
2022 registered under Section 498(A) / 304(B) / 34 of the I.P.C.

3. The petitioners are the in-laws and family members
of the deceased Pooja Kumari, who died on 30.07.2022. The
marriage of the deceased was solemnized with the co-accused /
Sonu Puri on 11.06.2021 and it has been alleged that after
marriage the accused persons started demanding Rs. 2 Lakh as



dowry and due to non fulfillment of the demand, the informant's daughter was killed at Deoria.

4. Learned counsel for the petitioners submits that the deceased Pooja Kumari had died at Deoria on 30.07.2022 due to head injury caused to her when she got slip in the house. The petitioners and other family members immediately informed the Deoria Police about the death of the deceased and G.D. Case No. 036 dated 30/07/2022 was registered by the Deoria Police as a case of unnatural death. Learned counsel further submits that after the G.D. case was registered post mortem examination was held in which the cause of death is shock and coma due to ante mortem head injury. After lapse of some time a complaint has been filed by the mother of the deceased at Siwan on 04/08/2022 which has been converted into FIR bearing Siwan Muffasil P.S. Case No. 723 / 2022 under Section 156(3) on 06-12-2022. During course of investigation Police has recorded the statement of the witness i.e. Pradhan of the concerned village, who in his statement has said that deceased had fallen after slip and received head injury. No family member was present at the time the injury caused to the deceased. He further submits that paragraph- 23 of the case diary shows that G.D. case was lodged due to unnatural death of the deceased. The allegation against



the petitioners are general and omnibus in nature and the petitioner no. 1 is the elder brother- in- law, petitioner no. 2 is the mother -in-law and the petitioner nos. 3 & 4 are sister- in-law of the deceased.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that information regarding death of the deceased was not given by the petitioners and other family members which would give credence to the allegation of the informant made in the complaint- cum- FIR. Learned counsel further submits that within one year of the marriage the deceased has died in her matrimonial home in suspicious condition as such there is presumption against the petitioners under Section 113B of the Evidence Act.

6. Regard being had to the submission made by the parties, taking into consideration the fact that allegation against the petitioners are general and omnibus in nature, family members of the petitioners informed the local Police on the date of death of the deceased and a G.D. case was registered, as such, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 723 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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