

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56620 of 2023

Arising Out of PS. Case No.-338 Year-2022 Thana- BABUBARHI District- Madhubani

Urmila Devi, W/O Late Vishwanath Thakur, R/O Village- Murhaddi, Barki
Tol, P.S- Babubarhi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 08-11-2023 Heard Mr. Murari Narain Chaudhary, learned counsel

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

State.

2. The petitioner is apprehending her arrest in
connection with Babubarhi P.S. Case No. 338 of 2022 registered
for the offences punishable under Sections 314, 304(B) and
120(B)/34 of the Indian Penal Code.

3. Allegedly the marriage of the sister of the informant
was solemnized on 27.02.2020 and out of the said wedlock, a
female child was born. It is further alleged that soon after the
marriage, she was subjected to demand of dowry at the hands of
all the accused persons, including the petitioner, and on account



of non-fulfillment of the same, she was done to death. On 22.12.2022, at about 2.30 A.M., the informant received a call from the Sasural of his sister, whereupon the informant rushed to her Sasural and there he found the dead body of his sister lying by the side of cot, with black spot on her neck, thereupon the present F.I.R. has been instituted.

4. It is submitted on behalf of the petitioner that from the F.I.R. it is evident that there is omnibus allegation against all the family members, even who are remotely connected. He further submits that allegedly the occurrence is said to have taken place on 22.12.2022 and the informant had informed about the death of his sister, whereupon he came to the place of occurrence, but the F.I.R. has been instituted on 26.12.2022. He further submits that on the insistence made by the informant, the post-mortem of the dead body was also conducted, wherein no external injury has been found on the dead body, save and except the ligature mark, all over the neck of the deceased. The opinion regarding cause of death is shown to be asphyxia, secondary to hanging and thereafter the dead body was handed over to the family members of the petitioner and the cremation was taken place in presence of all. He lastly submits that in fact on account of some altercation, took place between the husband and wife,



the deceased committed suicide and the petitioner has had no role in the affairs of the deceased and her husband, who is behind the judicial custody.

5. On the other hand, learned APP for the State opposes the bail application and submits that admittedly the death took place within three years of the marriage and soon before the death there was demand of dowry, thus the presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is the mother-in-law and there is no external injury over the body of the deceased, coupled with the fact that before institution of the F.I.R., the post-mortem has been conducted, apart from the delay in lodging of the F.I.R., let the petitioner, named above, in the event of her arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhubani in connection with Babubarhi P.S. Case No. 338 of 2022, subject to the condition as laid down under Section 438 (2) of the



Cr.P.C. with the further condition that one of the bailors shall be
the own/close relative of the petitioner.

(Harish Kumar, J)

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