

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63975 of 2023

Arising Out of PS. Case No.-315 Year-2023 Thana- BARBIGHA District- Sheikhpura

Anar Devi Wife Of Adhik Yadav Resident Of Village- Akbarbigha, Ps-
Barbigha, Distt- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2023 Heard Mr. Mrityunjay Kumar, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Barbigha P.S. Case No. 315 of 2023, registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

3. Allegedly, the marriage of the daughter of the
informant was solemnised with the son of the petitioner three
years ago. It is alleged that at the time of marriage sufficient
dowry was given to the family of the petitioner, however, they
kept on demanding some more dowry and when the same could
not be fulfilled, the daughter of the informant was done to death
by all the accused persons including the petitioner.



4. It is submitted on behalf of the petitioner that from the narration made in the FIR it is evident that soon after the death of the deceased, proper information was given to the family of the victim on 17.07.2023 itself and thereafter they came there, but on the instigation of some unscrupulous person, this FIR has been instituted on 19.07.2023 against all the family members of the husband of the deceased. He next submits that in fact on account of some trifle the deceased had committed suicide which fact is also evident from the impugned order. Moreover, save and except the ligature mark over the neck there was no other injury found over the body of the deceased. He lastly submits that the deceased and her husband were living separately and the petitioner has had no connection with the affairs of them.

5. On the other hand, learned counsel for the State vehemently opposes the pre-arrest bail and submits that admittedly the marriage was solemnised just three years ago and soon before the death there was demand of dowry and the deceased died under unnatural circumstances and as such the presumption under Section 304(B) of the Indian Penal Code cannot be ruled out.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation and the fact that the postmortem report suggests the case of hanging and no other external injuries found over the body of the deceased, coupled with the fact that the petitioner is a lady, let the petitioner abovenamed be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikpura in connection with Barbigha P.S. Case No. 315 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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