

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64164 of 2023**

Arising Out of PS. Case No.-513 Year-2022 Thana- SURSAND District- Sitamarhi

Devkali Devi @ Devkaliya Devi Wife Of Rajan Kapar Resident Of Village -  
Sursand Ward No.13, Mushari Tola, P.S. - Sursand, District - Sitamarhi -  
843331

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar, Advocate  
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      17-10-2023                      Heard Mr. Subodh Kumar, learned counsel appearing  
on behalf of the petitioner and learned Additional Public  
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection  
with Sessions Trial No. 220 of 2023 arising out of Sursand P.S.  
Case No. 513 of 2022, registered for the offences punishable  
under Sections 304(B), 201/34 of the Indian Penal Code.

3. Allegedly the marriage of the daughter of the  
informant was solemnized with the son of the petitioner about  
five years ago according to the Hindu Rites and Customs. It is  
further alleged that the accused persons were indulge in  
torturing the victim on account of non-fulfillment of demand of



dowry and she was done to death by all the accused persons in the night of 11.10.2022.

4. Learned counsel for the petitioner submits that the petitioner is mother-in-law of the deceased and has been residing separately from her son and the deceased daughter-in-law, having no concern with their family affairs. He next submits that admittedly the marriage was solemnized about five years ago and after such belated stage, the demand of dowry does not inspire much confidence, moreover the husband of the deceased against whom the entire thrust of allegation revolves has already been taken in judicial custody and the petitioner undertakes that she will fully cooperate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the death has taken place within seven years of the marriage in an unnatural circumstances preceded by demand of dowry and as such the petitioner can not be absolved from the presumption of causing dowry death.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is mother-in-law of the deceased, who has been residing



separately and moreover the husband of the deceased is in judicial custody, 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 Sessions Judge, Sitamarhi in connection with Session Trial No. 220 of 2023 arising out of Sursand P.S. Case No. 513 of 2022, 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)**

shoaib/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

