

Arising Out of PS. Case No.-465 Year-2023 Thana- BELAGANJ District- Gaya

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... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Shailendra Kumar Singh
For the Informant : Mr. Shankar Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State along with learned counsel for the
informant.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 304(b) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and being mother-in-law of the deceased came to be implicated by the informant alleging that the deceased was married to the son of the petitioner in the year 2021 and out of the wedlock, a child was born, further on 14.07.2023, the husband of the deceased called the sister of the deceased and informed her that the



deceased was not well, as such, the sister of the deceased along with the informant came to the place of occurrence where they saw the dead body of the deceased and thereafter the dead body was taken for cremation. It is next alleged that for non-fulfillment of dowry demand, the occurrence was committed.

4. Learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant herself has stated that the husband of the deceased intimated the family members of the deceased about her deteriorating health condition based on which, the informant along with her elder daughter came to the place of occurrence, it is next submitted that had the petitioner or her family member been involved in committing the occurrence of dowry death or murder, in that event the effort would have been to dispose of the dead body and not to intimate the family members of the deceased, it is next submitted that no doubt the death took place within 2 years of marriage, but then while considering the anticipatory bail application, the Court should not be mechanical. It is further submitted that during the course of investigation, it has also come that the deceased was bitten by a snake on account of which she died. It is further submitted that the petitioner in order to establish her *bona fide* has also



annexed the photograph of the cremation of the deceased wherein the brother-in-law (husband of the deceased's sister) also participated which further goes to demonstrate that in the cremation, the family member of the deceased also participated. It is next submitted that had the petitioner been demanding dowry or torturing the deceased for non-fulfillment of the same, then the informant would at least have alleged in the FIR that what was being demanded by way of dowry for which torture was being meted out, but then in absence of the same, it manifests that the FIR came to be instituted by way of afterthought after three days of the occurrence.

5. Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner, but are not in a position to rebut the submission of the learned counsel for the petitioner that the husband of the deceased had informed the side of the deceased about her deteriorating condition and the brother-in-law of the deceased also participated in the cremation.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Belaganj P.S. Case No. 465 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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