

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9273 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- JAMUI District- Jamui

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Sima Devi @ Shobha Devi, Female, aged about 33 years, Wife of Bibhishan Mahto, Resident of Village- Kakan, P.S. Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Pankaj Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Ram Bilash Roy

Raman, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Jamui P.S. Case No. 257 of 2023 registered for the offence punishable under Sections 304(B), 120(B) and 201 of the Indian Penal Code.

3. As per the allegation made in the FIR, daughter of the informant, namely, Arti Kumri (deceased) got married with one Rajesh Kumar seven years ago, who, along with other family members, had started demanding dowry, due to which, the daughter of the informant committed suicide by consuming *sulphas* tablet. Specific allegation against the petitioner is that she had entered into illicit relationship with the husband of the



deceased and had instigated the deceased to commit suicide.

4. Learned counsel appearing on behalf of the petitioner submitted that no case under Section 304(B) is made out against the petitioner, who is a co-villager and not family member of the deceased. The allegation of illicit relationship with the husband of the deceased and on instigation of the petitioner, the husband of the deceased used to demand dowry cannot be sustained. Petitioner is married with one Bibhishan Mahto and they don't have any connection with the family affairs of the deceased or her husband, who has already been released by a co-ordinate Bench of this Court vide order dated 29.11.2023 passed in Criminal Miscellaneous No. 50241 of 2023. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that the petitioner used to instigate the victim, due to which, she consumed poison, however, he admits that petitioner is not one of the family members of the deceased and the provision of Section 304(B) is not attracted.

6. Considering the nature of allegation made in the FIR, as well as, allegation against the petitioner is that of



instigating the deceased, which led to commit suicide. Husband of the deceased, namely, Rajesh Kumar has already been released on the same allegation by a co-ordinate Bench of this Court vide order dated 29.11.2023 passed in Criminal Miscellaneous No. 50241 of 2023. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail considering her to be a co-villager.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Jamui P.S. Case No. 257 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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