

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12288 of 2024

Arising Out of PS. Case No.-90 Year-2023 Thana- CHAORI District- Bhojpur

DEWANTI DEVI @ HEWANTI DEVI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Chauri Police Station Case No. 90 of 2023, dated 16.09.2023, disclosing offences under Sections 304-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the informant solemnized the marriage of his daughter with co-accused Chandan Bind in the year 2019. After marriage the petitioners, alongwith other accused persons, started demanding motorcycle and other valuables as dowry and due to non-fulfillment of the demand, the daughter of the informant has been killed on 15.09.2023.
4. Learned Counsel for the petitioners submits that the



petitioner no. 1 is mother-in-law of the deceased and the petitioner no. 2 is the brother-in-law of the deceased. He next submits that deceased has committed suicide and the allegation that the petitioners alongwith others have killed the deceased is false.

5. I have heard learned counsels for the parties and perused the materials available on record.
6. From perusal of the impugned order, it appears that within seven years of marriage the deceased has died in her matrimonial home. The nature of the death is not important whether it is homicidal, suicidal or accidental, but the fact is that deceased has died an unnatural death within 07 years of her marriage. There is presumption against the accused persons under Section 113-A and 113-B of the Evidence Act, 1872. The petitioner no. 1 is mother-in-law and there is allegation against her that she, alongwith others, demanded dowry from the deceased. Accordingly, I am not inclined to grant the petitioner no. 1 the privilege of anticipatory bail.
7. The bail application in respect of the petitioner no. 1 is rejected.
8. In so far as the petitioner no. 2 is concerned, he is



brother-in-law of the deceased and is aged about 21 years.

The allegation against him is general and omnibus in nature, accordingly, I am inclined to grant privilege of anticipatory to the petitioner no. 2.

9. The bail application in respect of petitioner no. 2 is, accordingly, allowed

10.Let the petitioner no. 2, Kundan Bin @ Kundan Bind, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Bhojpur at Ara, in connection with Chauri Police Station Case No. 90 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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