

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29975 of 2024

Arising Out of PS. Case No.-282 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Batahu Sah son of Panchu Sah Village- Ratanpur Ps- Warisnagar Dist- Samastipur
2. Nilam Devi wife of Batahu Sah Village- Ratanpur Ps- Warisnagar Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2024 Learned counsel for the petitioners submits that petitioner no. 1, namely Batahu Sah has been arrested during pendency of the present petition and he seeks permission to withdraw the present petition as against petitioner no. 1, namely Batahu Sah.

02. Permission is accorded.

03. Accordingly, the present petition stands dismissed as withdrawn against petitioner no. 1, namely Batahu Sah.

04. Heard learned counsel for the petitioner as well as learned APP for the State.

05. In the present case, the petitioner is apprehending her arrest in connection with Warisnagar P.S. Case No. 282 of



2023 registered for the alleged offences under Sections 304(B)/201 of the Indian Penal Code.

06. As per the prosecution case, dowry death of the daughter of the informant was committed by the petitioner and other co-accused persons and the dead body was thrown near the railway track.

07. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner Nilam Devi is the mother-in-law of the deceased. There is general and omnibus allegation of demand of dowry against all the family members. Moreover, there is no specific allegation against her either for demand of dowry or for committing murder of daughter of the informant. The petitioner is separate in mess from their sons, as such, question of demand of dowry and torture against the petitioner is absolutely false and baseless. The learned counsel further submits that the railway authorities gave information to the police that a lady came under a running train and sustained injuries. At that point of time, the victim was alive and she was taken to hospital for treatment. However, on way to hospital, she died. On the alleged date of occurrence, the victim was not present at her matrimonial home, rather she was residing in her



parental home and due to some family dispute, she committed suicide. In fact, the informant and her entire family including the deceased were persons of criminal antecedent and they were made accused in Warisnagar P.S. Case No.351/2022 for the offence under Section 392 IPC. The petitioner has got no criminal antecedent.

08. Learned APP for the State opposes the submissions made on behalf of the petitioner. Learned APP submits that there is serious allegation against the petitioner and other co-accused persons that they caused dowry death of the daughter of the informant. Since the investigation is still going on, the petitioner does not deserve anticipatory bail.

09. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and vague nature of allegation against the petitioner without any substantive material against her and further considering the relationship of the petitioner with the deceased and also considering the possibility of false implication, the petitioner, above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection with Warisnagar P.S. Case No. 282 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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