

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33322 of 2024

Arising Out of PS. Case No.-580 Year-2023 Thana- MADHEPURA District- Madhepura

Rukhia Devi @ Rukia Devi, wife of Late Shalendra Yadav, Village -Turkahi
Ward No.09, PS- Madhepura (Bharrahi), Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajiv Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Satyendra Narayan Singh, APP
For the Informant :	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-09-2024 Heard Mr. Rajiv Kumar Singh, learned Advocate appearing on behalf of the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State. The informant appears through Mr. Deepak Kumar, learned Advocate.

2. The petitioner apprehends her arrest in connection with Madhepura P.S. (Bharrahi O.P) Case No. 580 of 2023, registered for the offences punishable under Sections 304(B) and 302 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the marriage of the sister of the informant was solemnized nine years ago. The deceased was also blessed with two children, aged about 8 years and 3 years respectively. It is



further alleged that after the marriage she was subjected to torture on account of non-fulfillment of dowry by all the accused persons. On 06.06.2023, at about 11:00pm, the informant got information that his sister was being assaulted, whereupon he proceeded for her matrimonial home and found that his sister was killed by her husband and in-laws, by means of sharp cutting weapon, due to non-fulfillment of dowry. The FIR also suggest that the children of the deceased have seen the occurrence.

4. Mr. Rajiv Kumar Singh, learned Advocate appearing on behalf of the petitioner referring to the allegation made in the FIR firstly contended that the petitioner is an old widow mother-in-law of the deceased. The FIR only reveals an omnibus nature of allegation against all the FIR accused persons. Though the son of the deceased namely Anand Kumar, who was only aged about 8 years, narrated that his mother was killed by his father, grandmother, uncle and aunty, by means of dabiya, but, during the course of investigation when his statement was recorded by the police, he stated that his mother was done to death by his father where all the other co-accused persons were caught holding her. The incidence took place in the night of 06.06.2023 and the FIR has been instituted on



08.06.2023, thus, there is every chance of tutoring the small son of the deceased, who is only 8 years old. One thing which is evident from the materials available on record that it is the husband who has assaulted the deceased by means of dabiya and even if the allegation for the sake of argument taken to be true, the petitioner and others were said to be present at the place of occurrence, except that there is no allegation. It ought not to be ignored, that the marriage was solemnized nine years ago and, as such, the demand of dowry at present does not appear to be reliable, is the contention of the learned Advocate for the petitioner. In the aforesaid premise, he prays for sympathetic consideration for grant of bail to the petitioner.

5. On the other hand, learned Advocate for the State and the informant vehemently opposed the pre-arrest bail application and submits that there is no reason that a small boy, aged about 8 years will tell the lie in order to implicate his own father and grandmother and other family members. Even if the allegation taken to be true, the petitioner has actively participated in commission of causing the death of the deceased.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that though the occurrence has taken place on 06.06.2023, but the FIR has been



instituted on 08.06.2023. No reason has been assigned that why the FIR has not been instituted on the next day. The statement of the boy also suggest that he was present in the room where his father has assaulted his mother, leading to her death. The name of other accused persons including the petitioner has been implicated in this case that they were present in the room and caught hold the deceased. There is no allegation of assault. Be that as it may, considering the fact that the petitioner is an old widow lady, let the petitioner above named 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 580 of 2023, 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)

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