

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37439 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- HILSA District- Nalanda

Usha Devi Wife of Mahendra Chaudhary Resident Of Village- Sekhopur, Ps-
Hilsa, Dist- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending her arrest in connection with Hilsa P.S. Case No. 70 of 2024 registered for the alleged offence under Sections 304(B)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, the daughter of the informant was married with the co-accused son of the petitioner. Allegation against the petitioner and other co-accused persons is that of causing dowry death of the daughter of the informant on account of non-fulfillment of their demand of Rs. 10,00,000/-.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on suspicion. There is no eye witness for the occurrence.



The witnesses examined during investigation are highly interested witnesses being the relatives of the informant. The petitioner is mother-in-law of the deceased and she has been separate in mess and property from the husband of the deceased and she has no concern with his family affairs. The daughter of the informant committed suicide and in the postmortem report, doctor has opined that cause of death of the deceased is asphyxia due to hanging. Learned counsel further submits that the co-accused husband of the deceased has already surrendered on 30.03.2024.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the death of daughter of the informant occurred in her matrimonial home within seven years of her marriage and there is allegation of demand of dowry.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is stated to be the mother-in-law of the deceased and allegations are not supported with corroborative material and further considering the possibility of false accusation, let 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate-I, Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 70 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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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