

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44862 of 2024

Arising Out of PS. Case No.-811 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Urmila Devi Wife of Ajit Choudhary Resident of Village- Pathak Bigha, P.S- and P.O- Hariharganj, District- Palamu ,Jharkhand
2. Sudama Devi Wife of Dasharath Choudhary Resident of Village- Pathak Bigha, P.S- and P.O- Hariharganj, District- Palamu ,Jharkhand
3. Ajit Choudhary Son of Dasharath Choudhary Resident of Village- Pathak Bigha, P.S- and P.O- Hariharganj, District- Palamu ,Jharkhand
4. Dasharath Choudhary Son of Bhuneshwar Pasi Resident of Village- Pathak Bigha, P.S- and P.O- Hariharganj, District- Palamu ,Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the State : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 18-12-2024 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

2. The petitioners apprehend their arrest in connection with Mohaniya P.S. Case No. 811 of 2023 dated 23.11.2023, registered for the offences punishable under Sections 498(A), 304(B), 312 and 120(B) of the Indian Penal Code.

3. As per the allegation, deceased has been subjected to dowry death by the petitioners and co-accused/husband of the deceased.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are other than the husband of the deceased and they are separate in mess and business. He further submits that petitioners have nothing to do with the matrimonial life of the deceased. He further submits that deceased was married to accused/husband against her will and she was not satisfied with her marriage and hence, she has committed suicide by taking poison.

5. It is also stated in paragraph no. 2 of the petition that petitioners have never moved before this Hon'ble Court for grant of Anticipatory bail or Regular bail.

6. It is also stated in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail submitting that the alleged offence is serious in nature. He further submits that even if suicide has been committed within seven years of marriage, it is covered under Section 304(B) of the Indian Penal Code. Hence, the petitioners should not be enlarged on anticipatory bail.

8. As per the postmortem report, there is injury on



the lip of the deceased and the doctor conducting the postmortem examination was not in a position to determine the cause of death. Hence, viscera has been preserved and report of its examination is awaited.

9. Considering the nature of the allegation and materials on record, I am not persuaded to enlarge the petitioners on anticipatory bail.

10. Accordingly, the prayer of the petitioners for anticipatory bail stand rejected.

(Jitendra Kumar, J.)

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