

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41036 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MANSURCHAK District- Begusarai

Usha Devi, W/o Ganga Bishun Chaurasia R/o ward no. 9, Satha, Teghra,
Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namita Sharma Mr. Anshu Dhar Sharma
For the State	:	Ms. Renu Kumari- A.P.P.
For the Informant	:	Ms. Bela Singh Mr. Rajeev Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-07-2024 1. Heard learned counsel for the petitioner, the
learned counsel appearing on behalf of the informant and
learned APP for the State.

2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 302, 304(B) and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner, being mother in-law, has been falsely implicated in the instant case by the informant, who is brother of the deceased. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of demand of dowry and torture is general and



omnibus in nature. It is next submitted that whenever any occurrence of the nature as alleged in the F.I.R. takes place, the entire family members are implicated in a mechanical manner. It is further submitted that the informant, who is brother of the deceased alleges that his sister was married to the son of the petitioner on 23.04.2017 and at the time of marriage, Rs.12 Lacs was given in cash along with jewellery etc. as detailed in the F.I.R. Further, the deceased was differently able and the petitioner along with the husband of the deceased started demanding Rs.10 Lacs for starting a business, on which the informant showed his inability. It is next alleged that on 14.01.2024, the informant had gone to the house of the deceased to meet her when she informed that the accused persons are still torturing for non-fulfilment of the demand. It is further alleged that on 01.02.2024, he received a call that the deceased has fallen from the terrace and she has been taken to a doctor. Accordingly, he reached the place of occurrence and saw the dead body of the deceased with marks of strangulation around her neck.

4. The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not even remotely suggest



that as to when after marriage Rs.10 Lacs was demanded. It is also submitted that even presuming what has been alleged is true without admitting, then the informant himself alleges that he had gone to meet his sister on 14.01.2024, when he was informed by her that she is still being tortured for non-fulfilment of demand, which amply demonstrates that the petitioner never demanded any money from the informant when he had gone to meet his sister. It is also submitted that no doubt, the deceased has died, but then, the issue is about the involvement of the petitioner in the occurrence. It is next submitted that petitioner will not abscond rather will cooperate in the investigation. It is also submitted that informant is not an eye witness to the occurrence and the husband is in custody.

5. The learned counsel appearing on behalf of the informant and learned A.P.P. opposes the anticipatory bail application of the petitioner, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that informant is not an eye witness to the occurrence and demand of dowry of Rs.10 Lacs after marriage is vague

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the



event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Nancy Kumari, the learned J. M., 1st Class, Begusarai in connection with Mansoorchak P. S. Case No.06 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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