

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46237 of 2024

Arising Out of PS. Case No.-461 Year-2022 Thana- ALOULI District- Khagaria

Radha Devi Wife of Ram Chandra Yadav Resident of Village - Alauli, P.S.-
Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-08-2024 1. Heard the parties.

2. The petitioner apprehends her arrest in connection with
Alauli P.S. Case No. 461 of 2022 dated 02.10.2022 registered
under Section 304(B) / 34 of the I.P.C.

3. As per the First Information Report the sister of the
informant was married to the co-accused / Pandav Yadav about
four years back. On 01.10.2022 at about 11:00 P.M. he had a
talk with his sister, who was frightened and told the informant
that her husband and in-laws were demanding Rs. 2,00,000/-,
otherwise they would kill her. The informant had paid Rs.
1,00,000/- earlier also on their demand. On 02.10.2022 the
informant received information regarding death of his sister and
when he arrived at the house of his sister, he saw his sister lying
on the floor with a mark of rope in her neck and all the family
members were absconding.



4. Learned counsel for the petitioner submits that petitioner is the mother-in-law of the deceased and has falsely been implicated in this case on the basis of general and omnibus allegation levelled against her. From perusal of the F.I.R. it would be evident that neither the informant is an eye witness of the alleged occurrence nor any other incriminating evidence has come during the course of entire investigation. The co-accused namely, Pandav Yadav, who is the husband of the deceased and Ram Chandra Yadav (father- in- law of the deceased) have been acquitted by the learned trial court. The petitioner was living separately with her husband for the last three years.

5. I have heard learned counsel for the parties and gone through the impugned order. Within seven years of marriage the informant's sister has died an unnatural death in her matrimonial home. There is close proximity of time between demand of dowry and torture and death of the informant's sister. The nature of death is immaterial whether it is suicidal, homicidal or accidental. There is presumption under Section 113A and 113B of the Indian Evidence Act against the petitioner. Acquittal of the co-accused by the trial court is inconsequential while considering the application for grant of anticipatory bail. Accordingly, I am not inclined to grant



anticipatory bail to the petitioner.

6. The prayer for grant of anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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