

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48233 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- KHANPURA District- Samastipur

Savita Devi Named As Vikash Kumar Mother Wife of Late Naresh Singh R/O
Vill.- Fatehpur, ward no. 4, P.S.- Khanpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 498A,
304B and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and being mother-
in-law of the deceased, has been falsely implicated in the
instant case. It is next submitted that from perusal of the
allegation as alleged in the F.I.R., it would manifest that the
informant alleges that deceased was married to Vikash (son of
the petitioner) in the Year 2012 and after marriage, the
deceased was being tortured for dowry and on account of non-



fulfillment of the demand, she was abused and threatened. It is further alleged that on 29.05.2023, Vikash informed the informant that her daughter has consumed poison, accordingly, she came to the place of occurrence where she saw the dead body of her daughter lying and the accused persons including the petitioner had fled. It is next alleged that the body was sent for postmortem to Sadar Hospital, Samastipur, the informant based on suspicion alleges that the accused persons may kill her maternal grand-daughter and grandson about 6 years and 3 years.

4. The learned counsel for the petitioner submits that the marriage of the deceased with Vikash was nearly 11 years old and in these 11 years, no case ever came to be instituted either by the deceased or the informant alleging torture by the petitioner or her family members for dowry. It is also submitted that the informant herself in the F.I.R. has stated that she was informed by Vikash that her daughter has consumed poison and when she reached the place of occurrence, she saw the dead body of her daughter lying. It is next submitted that if the petitioner or her family members would have committed the occurrence, in that event, Vikash would never have informed the informant rather would have



made endeavours to dispose of the body by cremating the same, but then, postmortem of the body was also conducted, which further goes to demonstrate the *bona fide* of the petitioner. It is further submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khanpur P.S. Case No. 175 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at



liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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