

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48820 of 2024

Arising Out of PS. Case No.-310 Year-2023 Thana- BARBIGHA District- Sheikhpora

Lalo Devi @ Lalita Devi, aged about 22 years (Female), Wife of Sri Mantu Kumar, R/O Vill.- Abid Bigha, P.S.- Pakribarawan, Dist.- Nawada (but in the F.I.R. her address has been given as Lalo Devi, D/O Mr. Karu Yadav, R/O Vill. Barki Musapur, P.S.- Keoti O.P. Barbigha, Dist.- Sheikhpora)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Barbigha (Keoti O.P.) P.S. Case No. 310 of 2023 dated 14.07.2023 registered for the offences punishable under Sections 302, 304B/34 of the I.P.C. in which cognizance has been taken for the offence punishable under Section 304B of the I.P.C.

3. As per the prosecution case, the petitioner and other



co-accused are alleged to have committed murder of the informant's sister for non-fulfilment of demand of Rs. 2,00,000/- as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that neither the petitioner tortured the informant's sister nor demanded any dowry. The petitioner is the married sister-in-law (*Nanad*) of the deceased. She has no concern with the alleged offence. She is separate in mess and property from the husband of the deceased. It is further submitted that the police after investigation found the case against the petitioner and other co-accused persons to be false and accordingly submitted a final report on 01.10.2023 but the learned court below differed with the final report took cognizance under Section 304B of the I.P.C. against all the accused persons and issued process under Section 204 of the Cr.P.C. on 05.01.2024. It is further submitted that during the entire investigation, no witness has stated that on the alleged date of occurrence the petitioner was present at her *Naihar* rather she was in her *Sasural*. It is further submitted that during the entire investigation, several witnesses have stated that after the marriage, some time quarrel was used to take place between



the wife and the husband as the wife was asking her husband to go outside for earning and for the said reason they heard that at about 12.00 P.M., the deceased committed suicide and they found her hanging with the rope with the ceiling hook and her dead body was lying on the ground. The doctor after conducting postmortem of the deceased has opined the cause of death was *asphyxia* due to hanging. The husband of the deceased is already in custody since 24.05.2024 i.e., the date on which he surrendered in the court. The petitioner is a lady. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sheikhpura, in connection with Barbigha (Keoti O.P.) P.S. Case No. 310 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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