

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48099 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- GOGRI District- Khagaria

Soni Devi Wife of Amir Yadav Resident of village - Pitaujhiya, P.S.- Gogari,
District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Kundan Rathore, Advocate
For the State	:	Mr. Umanath Mishra, APP
For the Informant	:	Mrs. Kumari Rashmi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 30-10-2024 Heard Mr. N.K. Agrawal, learned Senior Counsel
for the petitioner and Mrs. Kumari Rashmi, learned counsel for the
informant and learned APP for the State.

2. The petitioner is in judicial custody in connection with Gogari P.S. Case No. 106 of 2024 for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code and 3 & 4 of the Dowry Prohibition Act, lodged on 21.03.2024 by the informant, Mamta Devi.

3. As per the prosecution story, the informant alleged that her sister was married to the petitioner's son but was tortured for dowry. Further, she had earlier also expressed her apprehension that she might be killed. The informant side went to her in-laws house and saw the dead body hanging. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that



deceased was the second wife of Amir Yadav, the petitioner being the first. Further, she has absolutely no role to play in the matter as once the husband Amir Yadav decided to solemnize second marriage with the deceased, she separated herself and was living along with the children. The last submission is that the Amir Yadav is in custody since 04.09.2024. The same is not on the record but learned Senior Counsel wanted the same to be incorporated in the order. He has also pointed out that the father-in-law Kailash Yadav has been granted bail in Cr. Misc. No. 48952 of 2024 on 21.10.2024.

Let the same be kept on record.

5. Learned counsel for the informant on the other hand submits that she being the first wife was unhappy with the marriage and may have played role in the matter.

6. This Court has heard the parties at length and has also perused the case diary, it incorporates the cause of death as asphyxia due to hanging (strangulation), the husband is already in custody, the case of the petitioner is that she was living separately once her husband consummated marriage, is a lady, having no criminal antecedent, is in custody since 22.03.2024 (paragraph no.9 of the petition), her father-in-law has been granted relief, in that background, this Court is inclined to extend him the privilege of bail.



7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate/Concerned Court, Khagaria in connection with Gogari P.S. Case No. 106 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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