

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51838 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- SARAIYA District- Muzaffarpur

Gulabiya Devi Wife of Late Nawal Kishore Sharma Resident of Village -
Siuriana, P.S.- Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel appearing on behalf of the
informant.

2. The petitioner apprehends his arrest in connection
with Saraiya P.S. Case No. 62/2024 for the offence registered
under Sections 304B and 34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that his daughter was married to Priya Ranjan Kumar
Thakur, after marriage, the accused persons started demanding
Rs. 2,00,000/- by way of additional dowry, further her husband
was demanding Rs. 2,00,000/- for running the school and used
to torture the victim on account of non-fulfillment of the
demand, next alleges that his daughter disclosed that Priya



Ranjan Kumar Thakur was having extra marital affair with Kajal Kumari and wanted to marry her. It is next alleges that on 29.01.2024 received information that his daughter has been killed and her dead body is lying in the house. Accordingly, he went to the place of occurrence with the police and saw the house locked, thereafter, they entered the house and saw the dead body of his daughter lying on a bed with mark of scratch on her neck and blood was oozing from her mouth. Thereafter, the dead body was sent for post-mortem and after post-mortem, the dead body was handed over to the informant on 30.01.2024 and the same was cremated.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the instant case by the informant being mother-in-law of the deceased. It is also submitted that the informant is not an eye witness to the occurrence. It is next submitted that the petitioner is a widow and stays separately from his son. It is also submitted that the post-mortem report reveals that death was caused on account of asphyxia due to hanging and the marriage was six years old. It is next submitted that in these six years, no case ever came to be instituted by the deceased or the informant alleging demand of dowry against the petitioner or her family members. It is further



submitted that it appears that the deceased got perturbed by the fact that her husband was having an extra marital relation on account of which she committed suicide. It is also submitted that whenever any occurrence of the nature, as alleged, takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is next submitted that the thrust of the allegation in the FIR is against Priya Ranjan Kumar Thakur.

5. Learned APP appearing on behalf of the State opposes the prayer for bail.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the SDJM, (West), Muzuffarpur in connection with Saraiya P.S. Case No. 62 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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