

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53001 of 2024**

Arising Out of PS. Case No.-40 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

Sheela Devi Wife of Lallan Yadav Resident Of Village -Sukuramarcur, P.S.-
Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mohit Agarwal, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kusheshwar Asthan P.S. Case No. 40 of
2024, registered for the offence punishable under Sections
304(b) and 201/34 of the Indian Penal Code.

3. The marriage of the daughter of the informant was
solemnized with the son of the petitioner in the year 2021. Soon
after the marriage, the victim was subjected to demand of dowry
and on account of non fulfillment of the same, she was done to
death by all the accused persons, including the petitioner.

4. Learned Advocate for the petitioner contended that
there is omnibus allegation against all the FIR named accused



persons, including the petitioner, who is none else but the mother-in-law of the deceased. Adverting to the FIR, it is further contended that it clearly narrates that the victim was happily residing in her matrimonial home for initial six months and later on, the demand of dowry has been made. Neither the date of demand nor what was demanded has been disclosed. It is also the contention of the petitioner that be that as it may, the petitioner is a lady and after completion of the investigation, charge-sheet has been submitted. The post-mortem report clearly discloses that the death was due to asphyxia and venous congestion as a result of hanging. The petitioner has no concern with the affairs of the deceased and her husband.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the death has taken place just within seven years of marriage and there is a demand of dowry preceding the death and, as such, the presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the post-mortem report, which suggest cause of death asphyxia due to hanging, there is no ante-mortem injuries over the body of the deceased, coupled with the fact that the



investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biraul, Dharbhanga in connection with Kusheshwar Asthan P.S. Case No. 40 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

