

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52276 of 2024

Arising Out of PS. Case No.-54 Year-2023 Thana- AGRER District- Rohtas

1. Priyanka Devi Wife Of Amit Kumar @ Amit Kumar Rai Resident Of Village - Gotapa, P.S. - Agrer, District - Rohtas
2. Shanti Devi Wife Of Om Prakash Rai Resident Of Village - Gotapa, P.S. - Agrer, District - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Saroj Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Agrer P.S. Case No. 54 of 2023, registered for the offences under Sections 304(B), 34 of the Indian Penal Code.

3. As per prosecution case, daughter of the informant died within three years of her marriage in her matrimonial home and allegation against the petitioners and other co-accused persons, who are in-laws, is that they had been demanding Rs.2,00,000/- and a motorcycle in dowry and killed the daughter of the informant on non-fulfillment of their



demand by administering poison and also strangulating her.

4. Learned senior counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner no. 1 is the sister-in-law (*gotni*) and petitioner no. 2 is the mother-in-law of the deceased. The deceased suspected that her husband had an affair with another lady and due to this reason the deceased and her husband used to fight with each other and the deceased appears to have committed suicide. The petitioners never demanded any dowry and never tortured the deceased on this account. During investigation, it has also come in the statement of the witnesses that there was partition in the family of the deceased and the in-laws of the deceased were living in the same house separately. After death of the daughter of the informant, she was immediately informed about her death and father and other relatives of the deceased were present at the time of cremation. The postmortem was also done and cause of death could not be ascertained and viscera was preserved for chemical examination. From the postmortem report, it also appears that no injury was found on the person of the deceased. Similarly situated co-accused persons have already been granted anticipatory bail by this Court vide order dated 02.04.2024



passed in Cr. Misc. No. 20863/2024. The petitioners are having clean antecedent.

5. Learned APP as well as leaned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that there has been continuous demand of dowry and the petitioners and other co-accused persons administered poison and killed the daughter of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation against the petitioners and also considering the clean antecedent of the petitioners coupled with possibility of false implication, let the petitioners above-named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sasaram, Rohtas/concerned court in connection with Agrer P.S. Case No. 54 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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