

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52694 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- BANSHI District- Jehanabad

Fulwa @ Fulwa Devi @ Phulwa Devi @ Phulwanti Devi @ Phulmanti Devi,
Wife Of Upendra Paswan, R/O-Village- Sonbhadra, Ps- Banshi, District-
Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Mr. Umesh Kumar, learned Advocate

 appearing on behalf of the petitioner and Mr. Damodar Prasad

 Tiwary, learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Banshi P.S. Case No. 50 of 2024 registered for the offence punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the marriage of the daughter of the informant was solemnized with the son of the petitioner in the year 2019. The couple blessed with a female child however, later on, the deceased was subjected to demand of dowry and on account of non-fulfillment of the same, she was tortured in various ways. It



is also alleged that on 29.04.2024 the son-in-law of the informant informed her through his mobile that on account of non-fulfillment of demand of motorcycle, he has killed his daughter.

4. Learned Advocate appearing on behalf of the petitioner contended that from the narrations made in the FIR it is evident that omnibus allegation of demand of dowry and torture has been leveled against all the family members including the petitioner, who is none else but the mother-in-law of the deceased. The marriage was solemnized in the year 2019 and, as such, at this belated stage the demand of dowry appears to be not trustworthy. It is next contended that in fact it is a case of suicide and this fact is also corroborated from the post-mortem report which clearly suggest that death is caused due to asphyxia on account of hanging leading to 'Cardio Respiratory Arrest'. Learned Advocate for the petitioner also drew the attention of this Court to the seizure list, wherein it suggest that a seven and half feet electric wire is recovered from the place of occurrence. It is next contended that be that as it may, the petitioner is a lady and has been incarcerated since 30.04.2024 without there being any specific allegation.

5. On the other hand, learned Additional Public



Prosecutor for the State vehemently opposes the bail application and submits that the unnatural death has occurred within seven years of the marriage and just preceding the death there was a demand of dowry 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 post-mortem report which suggest death was caused on account of hanging and there is no other external injuries over the body of the deceased. The FIR also narrates that the information has also been given to the informant by the husband of the deceased, moreover the petitioner is a lady and the investigation of the crime is complete, 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 Additional Chief Judicial Magistrate in connection with Banshi P.S. Case No. 50 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)

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