

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62894 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- PUNPUN District- Patna

KANTI DEVI W/O LATE MAHESH YADAV @ MAHESH PRASAD
RESIDENT OF VILLAGE- NURICHAK, P.S- PUNPUN, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anjum Perveen, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 29-02-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Punpun PS case no. 125 of 2023, disclosing offences punishable under Sections 498(A)/304B/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.
3. The prosecution story, as per the First Information report, is that the marriage of the informant's sister was solemnized with co-accused Shashi Kant Yadav on 12.12.2021. Soon after marriage, the petitioner along with other accused persons started demanding dowry and torturing her due to non-fulfillment of demand. On 19.04.2021, the informant was informed telephonically that his sister has died due to hanging. When the informant went to see her sister at her matrimonial



home, he found that the dead body of his sister was lying in the verandah and all the accused persons were found absconding. The informant saw external mark of injury on hand, back, thighs, face and neck of the deceased.

4. Learned Counsel for the petitioner submits that the petitioner is mother-in-law of the deceased and has falsely been implicated in this case. She further submits that there was dispute between husband and wife and they were living separately in town and not in village. She also submits that the petitioner has been made accused without any specific allegation.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the informant's sister has been killed within 02 years of her marriage at her matrimonial home. Learned counsel also submits that the doctor has conducted post-mortem on the deceased and has found external injuries, ligature mark and has given the cause of death as asphyxia resulting from ante-mortem compression of neck, strangulation and smothering. The doctor has opined the death as homicidal in nature and not suicidal.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that



within 02 years of marriage, the sister of the informant has been died in her matrimonial home, the doctor has opined the death as homicidal in nature, there is a presumption under Section 113B of Evidence Act, 1872 against the accused, accordingly, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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