

Arising Out of PS. Case No.-253 Year-2023 Thana- DEWARIA District- Muzaffarpur

Radhika Devi Wife of Chandrika Sah Village- Dharphari, P.S.- Deoria,
District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

3. The 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 Munna on 23.06.2023, after marriage Munna tortured her for dowry, the victim disclosed about torture being meted out to her to the informant when he called her on 01.12.2023 on her mobile, thereafter, her mobile was switched off. It is next alleged that thereafter the informant came to know that his daughter has



been killed, accordingly, he went to the place of occurrence but did not find his daughter thus alleges that after killing her, the dead body was disposed.

4. The learned counsel appearing on behalf of the petitioner submits that the petitioner being mother-in-law, has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Munna. It is also submitted that the informant does not allege that the victim/deceased ever disclosed to him that even the petitioner was torturing her for dowry. It is next submitted that the petitioner is an Anganwadi Sahayika and has her own independent source of earning and stays apart from her son i.e. the husband of the deceased. It is also submitted that when she came to know about the occurrence, she approached Munna and he disclosed to her that the victim had eloped with someone. It is also submitted that Munna is in custody. It is next submitted that the informant is not an eye witness to the occurrence.

5. The learned APP for the State Mr. Rabindra Kumar, opposes the anticipatory bail application and submits that the defence of the petitioner cannot be seen at this stage. The learned APP next submits that though the informant is not an



eye witness to the occurrence, but then allegation have been alleged in the FIR that his daughter was killed within seven years of marriage, as such, presumption in law is also against the petitioner. It is next submitted that from submission made on behalf of the petitioner, it can safely be culled out that the dead body of the deceased was not found, when informant had gone to the place of occurrence.

6. The learned APP next submitted that investigation of the case is in its initial stages and in the event, if the privilege of the anticipatory bail is granted to the petitioner, the petitioner may abscond on which the learned counsel appearing on behalf of the petitioner submits that the petitioner will not abscond rather will cooperate in the investigation to prove her innocence that she was not involved in the occurrence nor she is aware that whether the victim is dead or alive.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-5th (West), Muzaffarpur, in



connection with Deoria P.S. Case No. 253 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. It is further made clear that in the event, if charge-sheet is submitted connecting the petitioner with the offence, in that that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial court.

11. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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