

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60695 of 2023

Arising Out of PS. Case No.-323 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Kalwa Devi W/O Yugendra Ray @ Yugendra Ray @ Kalyug Ray R/O
Village- Chakarjalli, P.S- Shahpur Patori, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that the
petitioner, being mother-in-law, has been falsely implicated in
the present case by the informant alleging that the accused
persons, including the petitioner, forcefully administered poison
to her daughter for non-fulfillment of dowry demand. It is next
submitted that from perusal of the allegation as alleged in the
FIR, it would manifest that the informant herself states that she
came to know that the accused persons had administered poison
to her daughter based on which she, along with her family



member, came at the place of occurrence and took her daughter to a nursing home for treatment where she died during the course of treatment, which amply demonstrates that if the petitioner or the accused person would have been instrumental in committing the occurrence, then their effort would have been to dispose of the dead body, but then the informant herself has stated that on coming to know, she came at the place of occurrence and took her daughter for treatment where she died. It is further submitted that no doubt the marriage of the deceased with the son of the petitioner (Pappu Kumar Rai) was only two and a half years old, but then, merely because the petitioner is the mother-in-law of the deceased be a ground for rejecting the anticipatory bail application of the petitioner for the reason that the death took place within seven years of marriage. It is further submitted that the petitioner will not abscond rather will cooperate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shahpur Patori P.S. Case No. 323 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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