

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3957 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- Lokha District- Supaul

Bindi Devi Wife of Ramdev Chaudhari @ Ramdeo Chaudhary Resident of
Village- Bela, Ward No. 15, P.S. Laukaha, District- Supaul

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Laleshwar Ram Son of Sitaram Ram Resident of Village- Chhapariya, Ward
No. 13, P.S. Laukaha, District- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kishore Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2024 1. Heard the parties.

2. The appellant apprehends her arrest in connection with
Laukaha P.S. Case No. 18 of 2024 registered for the offence
under Section 304(B), 302, 34 of the I.P.C. and Section 3(1)(r)
(s) 3(2)(v) of the SC/ST Act and being aggrieved by the order
dated 01.08.2024 passed by learned Additional Sessions Judge
1st cum Special Judge SC/ST , Supaul in ABA No. 770 of 2024
arising out of Laukaha P.S. Case No. 18 of 2024 has preferred
this appeal for grant of anticipatory bail.

3. As per the prosecution case the co-accused / Rajesh
Chaudhari enticed and abducted Kajal Kumari (daughter of the
informant) about six years ago and performed marriage with her.



It is alleged that the husband of the daughter of the informant along with the petitioner- Bindi Devi and other co-accused did not take proper care of the informant's daughter and a sum of Rs. 5,00000/- was demanded as dowry by them and due to non fulfillment of the dowry demand, they tortured her. It is further alleged that the accused persons used to abuse her by taking her caste name. When the informant went to visit his daughter at her matrimonial house, he was not allowed to meet her and he too was abused by his caste name. On the fateful day of 15.05.2024 the elder brother of the husband of the daughter of the informant informed him over phone that his daughter has died. Upon receiving this information, the informant went to his daughter's "sasural" where he found dead body of his daughter lying on the ground and all members of his daughter's matrimonial family were absconding.

4. Learned counsel for the appellant submits that the appellant is innocent and did not commit any offence in the manner alleged. The appellant is the mother-in-law of the deceased and there is no allegation of any overt act against her. The allegation of torture due to non fulfillment of demand of dowry is against the husband namely, Rajesh Chaudhari, who is languishing in jail custody. The appellant resides separately



from her son- Rajesh Chaudhari. He submits that no offence under Section 3(1)(r)(s) 3(2)(v) of the SC/ST Act is made out against the appellant since there is no allegation of abuse by calling caste name in public place or in full public view.

5. Learned Special Public Prosecutor appearing for the State vehemently opposed the prayer for anticipatory bail.

6. I have heard learned counsel for the parties and perused the material on record. The marriage of the informant's daughter was solemnized about six years back and within seven years of marriage she was done to death in her matrimonial home.

7. The nature of death is not important, as to whether, it was natural, accidental, homicidal or suicidal but within seven years of marriage the informant's daughter has been found dead and there is close proximity of time between demand of dowry and death of the informant's daughter. There is presumption against the petitioner under Sections 113A & 113B of the Indian Evidence Act being the mother-in-law of the deceased. Furthermore, the learned Additional Sessions Judge-I cum Special Judge SC / ST Supaul while refusing the prayer for anticipatory bail has recorded that the informant in his re-statement and other witnesses in their statements in various



paragraphs of the case diary have supported the factum of occurrence as well as involvement of the petitioner. The inquest report and post mortem report show that the death of the informant's daughter was caused due to strangulation. Moreover, the F.I.R. also includes the offence under the provisions of SC/ST Act and in the light of Section 18 of the SC/ST Act, anticipatory bail in such cases is not maintainable.

8. In view of the aforesaid, I do not find any illegality and / or irregularity in the order of the learned Additional Sessions Judge-I cum Special Judge SC / ST , Supaul, as such, there is no reason to differ with the findings of the learned court below.

9. Accordingly, this application is rejected.

(Anil Kumar Sinha, J)

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