

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71403 of 2024

Arising Out of PS. Case No.-200 Year-2024 Thana- ROHTAS District- Rohtas

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Dulari Devi @ Dularo Devi Wife of Jagbali Prajapati R/O Vill.- Rasulpur,
P.S.- Rohtas, Dist.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Abhishek, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-10-2024 Heard the parties.

2. The petitioner, named in the F.I.R., apprehends her arrest in connection with Rohtas P.S. Case No. 200 of 2024 registered for the offence under Sections 302/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is to cause death of the sister of the informant due to non-fulfillment of demand of dowry as raised for gold chain. The present occurrence took place after 7 years of marriage.

4. Learned counsel for the petitioner submitted that petitioner falsely implicated with present case only for the reason that she is the mother-in-law of the deceased. It is submitted that the petitioner is living separately with her



son and having no connection with daily and domestic affair with the deceased and her husband. It is also pointed out that the deceased committed suicide out of family frustrations, and this fact is supported by her autopsy report where the cause of death was mentioned as "*asphyxia*" due to hanging. It is further submitted that *prima-facie* it appears a case of section 306 of IPC, where nothing surfaced during the course of investigation that the act of petitioner can not be said of such nature which forced the deceased sister of the informant to commit suicide leaving no option. In support of his submission, learned counsel relied upon legal report of Hon'ble Supreme Court as available through ***Gurucharan Singh vs. State of Punjab*** reported in ***2016 SCC OnLine SC 1415***. While concluding the argument, it is submitted that petitioner, who is lady, has clean antecedent.

5. Learned A.P.P. duly assisted by learned counsel for the Informant, while opposing the prayer of anticipatory bail submitted that just before the occurrence a *panchayati* was held and a *sanha* i.e., and informatory petition in view



of Section 33 of the BNSS (Section 39 of the Cr.P.C.) was lodged. It is submitted that being mother-in-law, the role of the petitioner was active *qua* present occurrence.

6. In view of aforesaid facts and submission as petitioner is mother-in-law where she claims to live separately and the cause of death appears "*asphyxia*" due to hanging, accordingly, above-named petitioner, in the event of her arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Dehri, Rohtas at Sasaram/concerned court in connection with Rohtas P.S. Case No. 200 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

Rajeev/-

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