

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77916 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- KARAI PARSURAI District- Nalanda

Sunita Devi Wife of Sukhu Prasad Resident of Village - Bahapar, P.S. - Karai
Parsurai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 26-11-2024 1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor representing the State.
2. This application, for grant of anticipatory bail, arises out of Karai Parsurai Police Station Case No. 78 of 2024, registered for the offences punishable under Sections 304-B, 328/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the marriage of the informant's daughter (now, deceased) was solemnized with co-accused Satish Kumar five years ago. After marriage, the petitioner along with other accused persons started torturing the informant's daughter for dowry and administered poison to her, due to which, she died.
4. Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case due to the fact that she happens to be the mother-in-law of the deceased. He further submits that the petitioner is separate in mess and property and she has got no concern with the day to day life of the deceased and/or her husband. He further submits that the deceased was not tortured by anybody rather the fact is that due to mistake, she had taken milk with poison in place of medicine and during course of treatment, she died. He also submits that the husband of the deceased is behind bars.

5. On the other hand, learned Additional Public Prosecutor and the informant vehemently opposed the prayer for bail and submits that within seven years of marriage, the deceased was killed by the petitioner along with others for demand of dowry.

6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order.

7. Within seven years of marriage, the informant's daughter died an unnatural death in her matrimonial home. The nature of death is not important whether it is natural, suicidal or accidental but the fact of the matter is that deceased died an unnatural death within seven years of her marriage. Allegation



in the F.I.R. is that petitioner along with others used to demand dowry and due to non-payment of the same, tortured and threatened the deceased. There is a presumption against the accused persons under Section 113(A) and 113(B) of the Evidence Act. The offence is serious in nature and the punishment thereof, is also severe. The mother-in-law is supposed to be the responsible member of the family.

8. Accordingly, I am not inclined to grant anticipatory bail to the petitioner.

9. This application, so far as petitioner is concerned, is dismissed.

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

