

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77887 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- BARAULI District- Gopalganj

1. Meena Devi @ Mitra Sahni @ Mitra Devi W/o Bacha Sahni R/o Village- Adarrsh Nagar, ward no. 13, Barauli Nagar Parishad, P.S- Barauli, District- Gopalganj
2. Sita Devi @ Sita Sahni W/o Shambhu Sahni R/o Village- Adarrsh Nagar, ward no. 13, Barauli Nagar Parishad, P.S- Barauli, District- Gopalganj
3. Shambhu Sahni S/o Late Suraj Sahni R/o Village- Adarrsh Nagar, ward no. 13, Barauli Nagar Parishad, P.S- Barauli, District- Gopalganj
4. Nibha Devi @ Nibha Kumari W/o Sunil Sahni R/o Village- Adarrsh Nagar, ward no. 13, Barauli Nagar Parishad, P.S- Barauli, District- Gopalganj
5. Sanni Dewal Kumar @ Sanni Sahni S/o Shambhu Sahni R/o Village- Adarrsh Nagar, ward no. 13, Barauli Nagar Parishad, P.S- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad
For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-11-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Barauli Police Station Case No. 150 of 2024, dated 17.05.2024, disclosing offences under Sections 304-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the informant solemnized the marriage of his sister with co-accused Praduman Kumar on 20.04.2024 and



within 25 days of marriage the petitioners, alongwith other co-accused persons, committed murder of the informant's sister on 15.05.2024 due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is mother-in-law of the deceased, the petitioner no. 2 and 3 are the aunt-in-law and uncle-in-law of the deceased, petitioner no. 4 is married sister-in-law and petitioner no. 5 is brother-in-law of the deceased. He next submits that the petitioners were not present at the place of occurrence. The petitioners have not committed any offence in the manner alleged and have falsely been implicated in the present case merely because they happens to be the family members of the deceased. He further submits that the deceased has committed suicide due to the fact that her marriage was solemnized under pressure as she was in love relationship with someone else.
5. I have heard learned counsels for the parties and perused the materials available on record.
6. From perusal of the impugned order, it appears that within 25 days of marriage the deceased has died in her



matrimonial home. The nature of the death is not important whether it is homicidal, suicidal or accidental, but the fact is that deceased has died an unnatural death within 25 days of her marriage. There is presumption against the accused persons under Section 113-A and 113-B of the Evidence Act, 1872. The petitioner no. 1 is mother-in-law and there is allegation against her that she, alongwith others, demanded dowry from the deceased. Accordingly, I am not inclined to grant the petitioner no. 1 the privilege of anticipatory bail.

7. The bail application in respect of the petitioner no. 1 is rejected.
8. In so far as the petitioner no. 2, 3, 4 and 5 are concerned, they are aunt-in-law, uncle-in-law, sister-in-law and brother-in-law of the deceased and the allegation against them is general and omnibus in nature, accordingly, I am inclined to grant privilege of anticipatory to the petitioner no. 2, 3, 4 and 5.
9. The bail application in respect of petitioner no. 2, 3, 4 and 5 is, accordingly, allowed.
10. Let the petitioner no. 2, 3, 4 and 5, above named, in the event of their arrest or surrender before the Court below



within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Barauli Police Station Case No. 150 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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