

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81219 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- TARAIIYA District- Saran

Sona Devi Wife of Fulena Mahto Village- Bhaluan Shankardih, P.S.-Taraiya,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard Mr.Sanjay Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Anil Prasad Singh,
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Taraiya P.S. Case No.251 of 2023, registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

3. The marriage of the daughter of the informant was
solemnized with Dharmendra Mahto, son of the petitioner five
years ago. On 05.08.2023 the informant came to know that his
daughter was done to death and thereafter she was hanged. Prior
to the alleged occurrence there was a demand of dowry by all
the accused persons.

4. Learned counsel appearing on behalf of the



petitioner drawing the attention of this Court to the FIR contented that there is omnibus nature of allegation against all the family members nine in numbers. It is admitted fact that the marriage was solemnized five years ago and during the intergnum period there had never been any complaint whatsoever in relation to demand of dowry and any kind of torture. It is further contented that so far the husband of the petitioner Fulena Mahto is concerned he was apprehended by the police and put on trial and he was finally acquitted by judgment dated 31.01.2024. In the said trial the informant has not supported the prosecution case resulting into his acquittal. It is lastly contented that be that as it may the petitioner is mother-in-law, having no concern with the family affairs of the deceased and her husband.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the death is caused in abnormal circumstances within the seven years of marriage and soon before the death there was an allegation of demand and as such presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fact that one of the co-accused persons who was put on trial has been acquitted by the learned trial court from all the charges, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Saran at Chapra. in connection with Taraiya P.S. Case No.251 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Prakash Narayan

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