

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.565 of 2025

Arising Out of PS. Case No.-336 Year-2024 Thana- SAHPUR District- Patna

1.

Rita Devi W/O Late Ravindra Singh Resident Of Village- Mathiyapur, Ps-Shahpur, Dist.- Patna
2.

Ricky Kumar S/O Late Ravindra Singh Resident Of Village- Mathiyapur, Ps- Shahpur, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
	:	Mr. Binod Kumar Sinha, Adv.
	:	Mr. Ajay Kr. Prasad, Adv.
	:	Ms. Diksha Kumari, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar Jha, Sr. Adv.
	:	Ms. Priyadarshni Kumari, Adv

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2

05-02-2025

1.

Heard learned Counsel for the petitioners and learned APP for the State
2.

This application, for grant of anticipatory bail, arises out of Shahpur PS case no. 336 of 2024, disclosing offences punishable under Sections 80, 3(5) of Bharatiya Nyaya Sanhita.
3.

The prosecution story, as per the First Information Report is that the marriage of the informant's daughter was solemnized in December, 2022 with the co-accused Ritesh Kumar (son of petitioner no.1). It is alleged that the daughter of the informant, was harassed and tortured by the petitioners due



to non-fulfillment of the dowry demand. On 08.10.2024, the informant got the information in the night that his daughter has committed suicide in her matrimonial home. When the informant went there he saw body of the deceased was hanging with the ceiling.

4. Learned Counsel for the petitioners submits that petitioner no.1 is mother-in-law of the deceased and petitioner no.2 is brother-in-law (Bhaisur) of the deceased. He further submits that petitioner no.2 is living separately, in all respect, from the co-accused Ritesh Kumar i.e. husband of the deceased. The deceased has committed suicide which would be evident from the FIR itself.

5. On the other hand learned counsel for the informant vehemently opposed the prayer for bail and submitted that within two years of marriage the deceased has died in her matrimonial home in suspicious condition. Petitioner no.1 is the mother-in-law and being head of the family, she is responsible for the occurrence inasmuch as the deceased was compelled to commit suicide.

6. I have heard learned counsel for the parties. From the record it appears that marriage of the victim (deceased) was solemnized in the year 2022 and within two years of marriage



the informant's daughter has died an unnatural death in her matrimonial home. In the F.I.R specific allegation of demand of dowry and torture is there against the petitioners. The nature of death is not important as to whether it was natural, accidental, homicidal or suicidal but within two 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 petitioners under Section 117 & 118 of the Bharatiya Nagarik Surksha Sanhita.

7. Considering the gravity of offence, the severity of punishment and the fact that the present case relates to dowry death, I am not inclined to grant the privilege of anticipatory bail to petitioner no.1.

8. So far as the petitioner no. 2 is concerned, he is the elder brother of the husband of the deceased and he is having separate family, as such, I am inclined to grant him the privilege of anticipatory bail.

9. Let petitioner no. 2, above named, in the event of his arrest or surrender before the Court below within four weeks from today, 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 Sub Division Judicial
Magistrate, Danapur in connection with Shahpur P.S. case no.
336 of 2024, subject to the condition laid down under Section
482(2) of the Bharatiya Nagarik Surksha Sanhita.

(Anil Kumar Sinha, J)

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