

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15197 of 2025

Arising Out of PS. Case No.-409 Year-2024 Thana- DUMRA District- Sitamarhi

Babita Devi W/O Daya Shankar Mandal Resident of village- Lagma, P.S.-
Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Informant	:	Ms. Smiti Bharti, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2025 Heard Mr. Birendra Kumar, learned counsel for the
petitioner, Ms. Smiti Bharti, learned counsel for the Informant
and Mr. Lakshmi Kant Sharma, learned APP for the State.

2. The petitioner is apprehending her arrest in
connection with Durma P.S. Case No. 409 of 2024, F.I.R. dated
13.09.2024 registered for the offences punishable under
Sections 80 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. Allegation against the petitioner is of committing
torture and caused death to the daughter of the informant due to
non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has been falsely
implicated in the present case merely on the ground that she is
mother-in-law of the deceased. He further submits that it



appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the informant is not an eye witness of the alleged occurrence and the husband of the deceased who happens to be son of the petitioner is in judicial custody since 23.10.2024.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation against the petitioner and apart from that son of the petitioner who happens to be the husband of the deceased is in judicial custody, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Durma P.S. Case No. 409 of 2024, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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