

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22903 of 2025

Arising Out of PS. Case No.-224 Year-2024 Thana- KISHANPUR District- Supaul

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1. Amerika Devi Wife of Late Bechu Sah Resident of Village- Shripur, P.S.- Kishanpur, District- Supaul
 2. Baby Devi @ Babi Devi Wife of Late Nand Kishor Sah Resident of Village- Shripur, P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Palita Devi D/O- Musharu Sah Resident of Vill- Maujha, Ward No.-07, P.S.- Kishanpur, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mrs. Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 02-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, .

2. The petitioners apprehend their arrest in connection with Kishanpur P.S. Case No. 224 of 2024, registered under Sections 85, 123 of the Bhartiya Nyaya Sanhita and $\frac{3}{4}$ of D.P. Act. Petitioner No.1 is mother-in-law and petitioner No.2 is Bhabhi of the informant.

3. The case of the prosecution in brief that one Palita Devi, informant of the case gave a petition to the S.H.O. Kishanpur P.S. on 02.09.2024 alleging that she was married with Balram Sah, resident of Sripur, 6 years back according to



Hindu Rites. The parent of Palita Devi donated her husband 3 lacs cash, clothes, ornaments, furniture and other domestic articles worth Rs. 2 lacs besides one motorcycle as a gift. It is further alleged that she went to her in-laws house and spend her conjugal life with her husband. Two children, Vivek Kumar aged about 5 years and Bittu Kumar aged about 3 years were born out of wedlock with her husband, Balram Sah. It is also alleged by her that in her Sasural, she many times saw her husband in an illegal relationship with her Bhabhi, Baby Devi, (petitioner No.2 herein). Several times, she protested upon which all the accused persons including the petitioners (mother-in-law and Bhabhi) demanded Rs. 2 lakhs as dowry. The father of the informant tried to settle the matter but the accused persons repeatedly tortured her and her children. It is specifically alleged that on 29.08.2024 at 7 A.M., the accused persons caught hold of the informant and Balram Sah (her husband) administered poison forcefully in the mouth of the informant. This was conveyed the matter to her father on mobile and became senseless on the roadside. Upon finding the informant senseless, the accused persons fled away from the sight. After half an hour, the father of the informant and other relatives came there and the informant was admitted to



Kishanpur Hospital. After that she was referred to Sadar Hospital, Supaul where treatment is going on.

4. Learned Counsel for the petitioners submit that the petitioners have no criminal antecedent, they are innocent and have been falsely implicated in the present case. The petitioners also submit that occurrence took place on 29.08.2024 but the F.I.R. has been registered on 02.09.2024 and there is no explanation of delay in filing the F.I.R. The petitioners further submit that there is no eye witness to the occurrence and from the allegation levelled in the F.I.R., it is clear that the petitioners have not been accused of giving the poison to the informant. In fact, it is the husband Balram, who has been accused in giving poison to her husband. The petitioners further submit that in a dispute between the husband and wife, the petitioners being relative of the informant have been implicated.

5. Learned Additional Public Prosecutor, Mrs. Dr. Indihar Kumari has vehemently opposed the prayer for anticipatory bail. She submits that these two petitioners also played a role in the entire incident of giving poison to the informant. Although she admits that the two petitioners are not accused in the F.I.R. of having directly administered poison to the informant.



6. Considering the fact that the petitioner No.1 is mother-in-law and petitioner No.2 is the Bhabhi of the informant and they have not been accused in the F.I.R. of administering poison to the informant, this Court is inclined to grant the petitioners privilege of anticipatory bail.

7. Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul, in connection with Kishanpur P.S. Case No. 224 of 2024, subject to the condition laid down under Section 482 of the Bhartiya Nyaya Sanhita.

(Alok Kumar Sinha, J)

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