

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31783 of 2025

Arising Out of PS. Case No.-256 Year-2024 Thana- KADWA District- Katihar

1. Semiya Devi @ Seema Devi, W/O Subodh Mistri, Resident of Mohalla- Mahammadpur, PS- Kadwa, Dist.- Katihar.
2. Subodh Mistri, S/O Jiya Lal Mistri, Resident of Mohalla- Mahammadpur, PS- Kadwa, Dist.- Katihar.
3. Ajeet Kumar, S/O Subodh Mistri, Resident of Mohalla- Mahammadpur, PS- Kadwa, Dist.- Katihar.
4. Anand Kumar @ Anand Mistri, S/O Subodh Mistri, Resident of Mohalla- Mahammadpur, PS- Kadwa, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-05-2025 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State.

2. The petitioners apprehends their arrest in connection with Kadwa P.S. Case No. 256 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 80(2), 123, 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The marriage of the daughter of the informant was solemnized with the co-accused Munna Kumar six months ago. There is allegation of demand of dowry and on account of non-fulfillment of the same she was tortured, which led to consumption of poison and thereafter she was taken to hospital.



However, the consumption of poison proved fatal and she died in the hospital. It is further alleged that some mark of injuries were also been found over the body of the deceased.

4. Learned Advocate appearing on behalf of the petitioners submitted that even as per the narrations made in the FIR, it is admitted position that the deceased had consumed poison and thereafter she was taken to the hospital and during the course of treatment, she died. In fact, on the fateful day, only on account of some altercation between the husband and wife, the deceased in the heat of the rage consumed poison, which finally proved fatal. Taking this Court through the medical prescriptions as well as dead body carrying certificate, it is contended that there was no mark of injury found over the body of the deceased and thus, the dead body has not sent for post-mortem. It is lastly contended that be that as it may, the petitioners are in-laws persons and they have no concern with the affairs of the husband and wife. Moreover, they undertake before this Court that they will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the deceased died within 6 months of the marriage and soon before the occurrence there was demand of dowry and torture and, as



such, the dowry death cannot be ruled out.

6. Regard being had to the submissions advanced on behalf of the parties and considering the narrations made in the FIR that the deceased consumed poison and she was taken to hospital by the in-laws, where she died and no post-mortem was conducted, nor there are any materials on record suggesting she was subjected to any violence, coupled with the fair antecedent of the petitioners, who are none else but the in-laws persons, let the petitioners, above named be released on bail, in the event of their 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 Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 256 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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