

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34491 of 2025

Arising Out of PS. Case No.-80 Year-2022 Thana- CHAND District- Kaimur (Bhabua)

1. Kalawati Devi @ Kalawati W/o Guddu Paswan R/o Village- Dugauli, P.S.- Chand, District- Kaimur at Bhabua
2. Sonam Devi @ Sonam Paswan D/o Guddu Paswan R/o Village- Dugauli, P.S.- Chand, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-06-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Chand Police Station Case No. 80 of 2022, dated 31.03.2022, disclosing offences under Sections 304-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the daughter of the informant was married to the son of the petitioner no. 1 in the year 2021. After some time of the marriage, the deceased was subjected to torture for dowry by the petitioners, along with her husband. On 31.03.2022, in the morning, the informant



was informed by the petitioners' side that his younger daughter was serious and brought to Maxwell Hospital at Varanasi, where she died during the course of treatment. The cause of death is burning.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is mother-in-law and petitioner no. 2 is unmarried nanad/sister-in-law of the deceased. The petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of concocted and fabricated story. He next submits that the death of the deceased is accidental, resulting from burn injuries while she was preparing food when the fire accidentally caught her and during treatment at hospital the deceased died.
5. Regards being had to the submissions advanced by learned counsel for the parties and taking into consideration the fact that within one year of marriage the deceased has died in her matrimonial home in suspicious condition due to burning. In close proximity of time there is demand of dowry and death of the deceased in her matrimonial home due to burning as per the First Information Report. The nature of death in such cases



whether it is homicidal, suicidal or accidental is not important, but the fact that the deceased has died an unnatural death within short span of time. There is presumption against the accused persons under Section 113-A and 113-B of the Evidence Act, 1872.

6. Considering the aforesaid discussions, I am not inclined to grant privilege of anticipatory bail to the petitioner no. 1, who is mother-in-law of the deceased.
7. The bail application in respect of the petitioner no. 1 is rejected.
8. In so far as the petitioner no. 2 is concerned, she is unmarried nanad/sister-in-law of the deceased, accordingly, I am inclined to grant privilege of anticipatory to the petitioner no. 2.
9. The bail application in respect of petitioner no. 2 is, accordingly, allowed.
10. Let the petitioner no. 2, above named, in the event of her arrest or surrender before the Court below within four weeks, 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 Additional Chief Judicial Magistrate-IV, Kaimur at Bhabua, in



connection with Chand Police Station Case No. 80 of
2022, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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