

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36200 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- SIWAN MUFFASIL District- Siwan

1. Srimati Devi W/o Shailendra Pandey Resident of Village - Pithauri, P.S. - Dhanauti, District - Siwan
2. Manju Devi W/o Ashok Pandey R/o vill- Chainpur, P.s.- Hathawa, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-06-2025 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 Siwan Muffasil Police Station Case No. 77 of 2025, disclosing offences under Sections 80(2), 3(5) of the BNS, 2023.

3. As per the prosecution case, the marriage of the informant's daughter was solemnized with the co-accused Shivam Pandey on 10.12.2024. It has further been alleged that on 04.02.2025, the informant received information that her daughter has died in her matrimonial home. It has been alleged that soon after the marriage, the petitioner and other accused persons started demanding dowry and due to non-fulfillment of the demand, the accused persons tortured the deceased mentally and physically and ultimately on 04.02.2025, she was killed.

4. Learned counsel for the petitioner submits that



petitioner no. 1 is mother-in-law of the deceased and petitioner no. 2 is sister of petitioner no. 1 and cousin mother-in-law of the deceased. The deceased has committed suicide by hanging and the cause of death, as per the doctor's opinion, is asphyxia due to hanging. The husband of the deceased is in custody since 05.02.2025 and both the parties have submitted a joint compromise petition.

5. I have heard learned counsel for the parties and have gone through the materials available on record including the FIR. Within one year of the marriage, the informant's daughter met with an unnatural death in her matrimonial home. There is demand of dowry prior to the death of the deceased and in close proximity of time there is demand of dowry and death of deceased in matrimonial home. Petitioner no. 1 is mother-in-law of the deceased and the demand of dowry is also against her. The nature of death is not important whether it is suicidal, homicidal or accidental. The fact is that the informant's daughter has died within short span of time of her marriage in her matrimonial home. There is presumption under Section 117 and 118 of the Bharatiya Sakshya Adhiniyam, 2023 and the petitioner no. 1 is mother-in-law also, I am not inclined to grant the petitioner no. 1 privilege of anticipatory bail. Accordingly,



prayer of petitioner no. 1 for bail is rejected.

6. However considering the fact that petitioner no. 2 is not directly related with the deceased and is sister of petitioner no. 1 and cousin mother-in-law of the deceased, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

7. This application is, partly, allowed to the extent indicated above.

8. 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 Chief Judicial Magistrate, Siwan, in connection with Siwan Muffasil Police Station Case No. 77 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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