

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51911 of 2025

Arising Out of PS. Case No.-74 Year-2024 Thana- DERNI BAZAR District- Saran

Shail Kumari Devi @ Shabhara Devi @ Shalehari Devi @ Shail Devi @
Shail Kumari W/o- Harkeshwar Bhagat Village- Pattishital, P.s. Derni, Dist-
Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Ajay Kumar No. 2, A.P.P.
For the Informant	:	Mr. Rananjay Kumar, Advocate
		Mr. Azit Daula Siddiqui, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State, and learned counsel for the informant.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 304(B), 404(B), 498(A), and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent, and the informant alleges that his daughter was married to Abhinandan Kumar on 21.11.2019. After marriage, the accused persons were demanding dowry of Rs. 2 lakhs and a motorcycle, and for non-fulfillment of the demand, the victim was abused and tortured. It is further alleged that on 12.04.2024 at 12:40 P.M., the accused



persons strangled the victim to death.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the informant is not an eye-witness to the occurrence, as such, the entire allegation that the petitioner was involved in the occurrence of strangulating the deceased to death hinges around suspicion. It is also submitted that the petitioner been involved in the occurrence along with the family members, in that event, efforts would have been made to dispose of the dead body with a view to conceal the evidence, but the dead body was sent for post-mortem. It is also submitted that the deceased committed suicide. It is further submitted that the marriage of the deceased with the son of the petitioner was performed on 21.11.2019 and the F.I.R. came to be instituted in the year 2024, i.e., after five years of marriage. It is next submitted that no doubt the death of the victim occurred within seven years of marriage, as such presumption in law is against the husband of the deceased and his family members, but then it is submitted that since the dead body was sent for post-mortem, it amply demonstrates that no efforts were made to conceal the evidence.

5. It is next submitted that whenever any dispute



arises between the husband and the wife and an occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical way. It is next submitted that the petitioner will not abscond, rather will cooperate in the investigation to prove her innocence.

6. Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner, but they are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the informant is not an eye-witness to the occurrence and no effort was made to dispose of the dead body with a view to conceal the evidence.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Derni P.S. Case No. 74 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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