

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51757 of 2025

Arising Out of PS. Case No.-788 Year-2024 Thana- BIDUPUR District- Vaishali

Kushmi Devi Wife of Shri Naresh Paswan Village- Bazidpur Saidat PS
-Bidupur District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 80, 3(5) of the BNS and 3/4 of Dowry Prohibition Act in connection with Bidupur P.S. Case No. 788 of 2024.

3. Learned counsel for the petitioner submits that the petitioner being mother-in-law has been falsely implicated in the instant case by the informant who is uncle of the deceased. It is next submitted that the deceased was married to the son of the petitioner about ten months back, after marriage the deceased was being subjected to torture on account of non-fulfillment of dowry demand. It is next alleged that on 04.12.2024 the informant was informed that the deceased has left her



matrimonial house accordingly he went to the matrimonial house of the deceased but he did not find his niece nor any family member of the husband of the deceased including the husband were present in the house, accordingly the informant started inquiry from neighbours when he came to know that his niece was killed and her body was cremated.

4. Learned counsel for the petitioner submits that informant is not an eye witness to the occurrence. It is also submitted that there was dispute in between the deceased and her husband on account of which she committed suicide. It is next submitted that in the funeral the family members of the deceased were also present but after the body was cremated thereafter the instant FIR came to be instituted. It is also submitted that whenever any occurrence of the nature as alleged takes place the entire family members are implicated in a mechanical manner. It is next submitted that the husband of the deceased surrendered and the trial commenced and in the trial neither the informant nor the father of the deceased supported the case of the prosecution.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner and submits that what is not in dispute rather stands admitted is that niece of the informant died



and the death was within seven years of marriage as such presumption in law is against the husband and his family members. The learned APP next submits that it is true that all deaths are not dowry deaths, but then if the death was natural in that event the petitioner and her family member ought to have got the post-mortem of the dead body done so that the truth could have come out but then the body was cremated as such the post-mortem was not done. Hence, a presumption arises that the body was disposed of only with a view to conceal the evidence. It is next submitted that of late it is being seen that informant and family members of the deceased changed at the time of trial either on account of threat or they are purchased by money. It is next submitted that it does not appear probable that the informant who instituted the instant FIR alleging that dowry was being demanded torture was being meted out and the deceased was killed for non-fulfillment of dowry demand. Subsequently, during the course of trial turned hostile stating that the deceased died on account of illness. It is submitted that either the informant instituted a false case implicating the entire family member of the husband of the deceased including the petitioner or for some ulterior reasons in the trial, the informant resiled from his earlier version.



6. The learned APP thus submits that it is a fit case where a direction be given to the concerned S.P. to investigate this aspect of the matter.

7. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. The anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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