

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71998 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- BASOPATTI District- Madhubani

Sakhiya Devi, W/o Late Bujhavan Das, Resident of village- Basopatti, Ward
No 07, Police station- Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhavesh Sah, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-01-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends her arrest in connection
with Basopatti P.S. Case No. 76 of 2024, registered for the
offences punishable under Sections 304(B) and 34 of the Indian
Penal Code.

3. Allegedly the marriage of the daughter of the
informant was solemnized with the son of the petitioner. Soon
after the marriage the victim was subjected to demand of dowry
and on account of non-fulfillment of the same she was done to
death on 02.05.2024.

4. Learned Advocate appearing on behalf of the
petitioner drawing the attention of this Court to the narrations



made in the FIR submits at the Bar that there is specific allegation against the husband of the deceased of demand of dowry and torture, who is already behind the bar. So far the petitioner is concerned, she happens to be mother-in-law and having no concern with the day to day affairs of the deceased and her husband. It is further contended that in fact on the fateful day on account of some altercation between the husband and wife, the deceased has committed suicide which fact also corroborated from the post-mortem report as has been disclosed in the impugned order; which clearly suggest that the death, in the opinion of the doctor, was due to asphyxia as a result of hanging. The petitioner is a lady who undertakes before this Court that she will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application, and drawing the attention of this Court to the impugned order submits that there was multiple cut mark on the left fore arm, which also suggest that soon before the occurrence, she was tortured in various ways. Moreover, the death has taken place inside the house of the petitioner.

6. Regard being had to the submissions made on



behalf of the parties and considering the specific allegation against the husband of making demand of dowry and torture, coupled with the fact that the petitioner is mother-in-law and the post-mortem report suggest death on account of hanging, let the petitioner above named be released on bail, in the event of his 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 Judicial Magistrate 1st Madhubani in connection with Basopatti P.S. Case No. 76 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. 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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