

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72698 of 2024

Arising Out of PS. Case No.-316 Year-2017 Thana- SONEPUR District- Saran

Usha Devi @ Chunmuniya Devi @ Chulmuniya Devi W/o- Ranjeet Ray
Village- Kalyanpur, P.O- Sonepur, P.S- Sonepur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 02-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Sonepur P.S. Case No. 316 of 2017 corresponding to G.R. No. 5541 of 2017 for the offence under Sections 304B and 34 of the I.P.C.

3. As per the prosecution story, the informant has alleged that on 13.02.2013 he married her daughter with one Amarjeet Rai according to Hindu rituals. After marriage her daughter started living in her matrimonial house. In the meantime, the husband of her daughter – Amarjeet Rai, started torturing her for demand of one motorcycle as dowry. Thereafter, her daughter started residing with her father (informant). After some time, informant sent back her daughter



to her matrimonial house. It is further alleged that on 11.08.2017, the informant came to know that her daughter was killed and thrown away near Gandak due to nonfulfillment of dowry.

4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. she is innocent and has not committed any offence much the less as alleged by the prosecution. The petitioner is Sister-in-law (Gotini) of the deceased who was not associated to the alleged occurrence rather she is victim of circumstances created by the informant and merely on the basis of suspicion, being a Gotini, she has been roped in this case. The F.I.R. itself reveals that there is general and omnibus allegation against the accused persons. Later on, petitioner has made an accused who has no concern to the demand of dowry from the deceased or informant in any manner but due to grabbing the money the informant has lodged the instant case despite knowing the factual aspect of the matter. It also reveals from the F.I.R. that the informant and his family members had also come to the place of occurrence and also participated in the cremation and other rituals but later on only for the purpose of extorting money, the informant has filed this instant case. During the course of investigation no cogent



material has been found against this petitioner. It is nowhere mentioned that the death of deceased was caused due to cruelty or harassment by the petitioner in connection with any demand of dowry.

5. Learned APP opposes the prayer for bail.

6. From perusal of this case record, it appears that petitioner is not named in the F.I.R. rather her name has come in this case during the course of investigation. The judgment passed by District and Sessions Judge, Saran at Chapra in Sessions Trial No. 295 of 2020, which was arisen out from the same P.S., in which the husband, father-in-law, mother-in-law and brother-in-law were co-accused, have been acquitted. From perusal of the said judgment it appears that informant, who is the father of the deceased and P.W. 5 who is mother of the deceased have not supported the allegations levelled in the F.I.R. she has not stated anything against the petitioner. Considering the aforesaid facts and mainly relying on the judgement passed by District and Sessions Judge, Saran at Chapra in Sessions Trial No. 295 of 2020, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/-
(Ten thousand) each with two sureties of like amount each to the
satisfaction of learned Chief Judicial Magistrate, Saran at
Chapra, in connection with Sonapur P.S. Case No. 316 of 2017
corresponding to G.R. No. 5541 of 2017subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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