

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84911 of 2024

Arising Out of PS. Case No.-1624 Year-2023 Thana- PHULWARISHARIF District- Patna

1. Sona Devi Wife of Premdhar Roy Resident of Village- Satya Gaurav Harnichak, PS- Phulwari Sharif, Distt.- Patna
2. Sudha Devi Wife of Ashok Yadav Resident of Village- Bhaluan Belhauri, PS - Dulhin Bazar, Distt.- Patna
3. Ashok Yadav @ Ashok Kumar Son of Rajendra Yadav Resident of Village- Bhaluan Belhauri, PS - Dulhin Bazar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Phulwarisharif P.S. Case No. 1624 of 2023, registered on 18.11.2023, for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against four named accused persons, including the present petitioners. It is alleged that the informant's daughter was killed due to the non-fulfillment of a dowry demand.

4. Learned counsel for the petitioner submits that the



petitioners are innocent and have committed no offence. Counsel further submits that the criminal antecedents of the petitioners are clean, and there is no involvement of the petitioners in the alleged incident, and the said incident is fabricated. It is contended that there was neither a demand for dowry nor any jewelry involved. Additionally, it is submitted that 10 years have passed in the conjugal life, during which the couple has one son and one daughter, who are living with the family. Counsel further submits that the death was caused by burn injuries, and the husband of the deceased also sustained burn injuries while attempting to save his wife. Counsel also submits that petitioner No. 1 is an old lady, aged about 68 years, and comes from a respectable family. Additionally, counsel submits that the petitioners are willing to comply with any conditions that may be imposed upon them.

5. Learned APP for the State vehemently opposes the prayer for bail and submits that the petitioners are involved in this case. The reason for this involvement is that it is the son of the deceased who has narrated the events in paragraph No. 6 of the case diary, stating that on 14.11.2023, the husband (father) of the deceased assaulted her on the head, resulting in injuries. Subsequently, the mother-in-law and sister-in-law of the



deceased had a quarrel with her and, later, killed her by pouring kerosene oil. A similar statement is also found in paragraph No. 7, given by another witness, who is younger brother of the deceased.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners, therefore the bail application of the petitioners is hereby **rejected**.

7. However, if the petitioners surrender within six weeks from today and prays for regular bail, then the Trial Court shall pass order on the surrender- cum- bail application of the petitioners on the same day without being prejudice of the present order and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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