

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84330 of 2024

Arising Out of PS. Case No.-406 Year-2024 Thana- GAYA KOTWALI District- Gaya

Sarita Devi Wife of Upendra Prasad R/O Village Mohalla New Godown
Maharani Road , Gaya ,PS Kotwali ,District Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Late Umesh Prasad Resident of village- Ashathwan, P.S-
Ashthawan, Distt.- Nalanda

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection
with Kotwali P.S. Case No. 406 of 2024, dated 04.08.2024,
lodged under Sections 80 & 3(5) of the Bhartiya Nyaya Sanhita,
2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against
three named accused persons, including the present petitioner,
who is the mother-in-law of the deceased. It is alleged that the
marriage between the petitioner’s son and the informant’s
daughter was solemnized in the year 2020. On 03.08.2024, at
about 11 PM, the informant’s brother informed her that her



daughter had slipped from the stairs at her in-laws' house, which resulted in her death. However, upon seeing her daughter's body the next day, the informant suspected foul play. Based on this suspicion, she lodged the present case, alleging that her daughter was killed by the petitioner's family.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that the petitioner is the mother-in-law of the deceased, and her son (the husband of the deceased) is already in custody since 05.08.2024. Counsel further submits that the petitioner has clean criminal antecedents and that the incident occurred due to an accident, which was initially accepted by the informant. However, suspicion arose later on, which led to the filing of the present case.

5. Learned counsel for the informant, who has appeared *suo motu* in the present case, vehemently opposes the prayer for bail and submits that the petitioner is a named accused in the case, therefore, the prayer for anticipatory bail may be rejected.

6. Learned APP for the State opposes the prayer for bail but fairly submits that the FIR has been lodged based on suspicion.



7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of C.J.M., Gaya, in connection with Kotwali P.S. Case No. 406 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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