

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88348 of 2024

Arising Out of PS. Case No.-405 Year-2024 Thana- BIDUPUR District- Vaishali

Sunita Devi W/O Kameshwar Rai R/O Vill- Gopalpur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the State : Ms. Rina Sinha, APP
For the Informant : Mr. Manish Kumar, Adv.
Mr. Manoj Kumar Jha, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-07-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 80, 3(5) of the B.N.S.,2023.

3. The allegation in the FIR is that the son-in-law of the informant along with other family members killed the deceased by assaulting her.

4. Learned counsel for the petitioner submits, at the outset, that the petitioner is a sixty years old mother-in-law of the deceased and the allegation made in the FIR is that on account of a dispute between the husband and the wife, the husband of the deceased assaulted her by means of slaps and



pushed her on the ground. It would be clear that so far as the other accused persons are concerned including the present petitioner, there is general and omnibus allegation that they also assaulted the deceased due to which she got injuries in her stomach. It is also submitted that in the entire FIR, there is no mention of any demand for dowry and hence, in such view of the matter, no case under Section 80 of the B.N.S. would be made out. It is further submitted that the husband of the deceased, namely, Sumod Kumar @ Suman Rai, who is primarily responsible for the welfare of his wife and who had allegedly entered into a physical altercation with his wife, has already surrendered and is in judicial custody and in support of the same, a surrender certificate dated 05.02.2025 has been produced and is kept on record. It is also pointed out by learned counsel for the petitioner that the other accused persons have already been granted bail in this matter and this petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State and learned counsel for the informant, however, oppose the prayer for anticipatory bail on the ground that the petitioner was also one of the persons who had assaulted the deceased and also make a reference to the



postmortem report which shows that there was a stomach infection due to injury on the intestine.

6. Considering the fact that there is specific allegation on the husband of the deceased who is already in custody and also that petitioner is an old lady having no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bidupur P.S. Case No. 405 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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