

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89552 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- SARMERA District- Nalanda

Sadbhama Devi @ Satyabhama Devi, Wife of Paras Pandit, Resident of
Village - Dhanuki, P.S. - Sarmera, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-01-2025 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 Sarmera P.S. Case No. 165 of 2024, registered for the
offences punishable under Sections 80(2), 61(2) and 3(5) of the
Bharatiya Nyaya Sanhita, 2024.

3. Based upon the written report, the prosecution
alleges that the marriage of the sister of the informant was
solemnized with the son of the petitioner in the year 2021. Soon
after the marriage, she was subjected to demand of dowry and
tortured in various ways and finally done to death.

4. Learned Advocate appearing on behalf of the
petitioner contended that there is omnibus nature of allegation



against all the family members including the petitioner who is none else, but the mother-in-law of the deceased. The innocence of the petitioner is writ large, as when the informant realized that the accused persons are not instrumental in causing death of the deceased, they themselves have filed a joint compromise petition. Moreover, the alleged occurrence took place on 02.08.2024 and the FIR has been instituted on 04.08.2024 and, as such, the deliberation cannot be ruled out. The petitioner is mother-in-law, has no concern with the family affairs of the deceased and her husband. In fact, on the alleged date of occurrence, the deceased has committed suicide and thereafter information was given to her family members and thereupon they reached to the matrimonial home. However, on the instigation made by some unscrupulous person, the present FIR has been instituted.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the death has caused within three years of the marriage and soon before the marriage there was a demand of dowry and allegation of torture and, as such, the presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioner is mother-in-law, having omnibus nature of allegation and has no concern with the day to day affairs of the deceased and her husband, let the petitioner above named be released on bail, in the event of her 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 Class, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 165 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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