

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37392 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- BARGAINIA District- Sitamarhi

1. Sharda Devi Wife of Raghubir Sah Resident of Village- Masaha Alam, P.S.- Bairstania, District- Sitamarhi
2. Meena Devi Wife of Dharmendra Sah Resident of Village- Masaha Alam, P.S.- Bairstania, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 14-07-2026 1. Heard learned counsel for the petitioners, learned A.P.P. for the State, Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 80 and 3(5) of the B.N.S., 2023.
3. Learned counsel for the petitioner after some argument seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1, namely, Sharda Devi.
4. Permission is accorded.
5. The SHO of the case, in compliance of the order dated 17.06.2026 is present in the Court.



6. Learned counsel for the petitioner submits that petitioner no.2 is a person with clean antecedent and the informant alleges that his sister was married to Lakhindra on 04.12.2025, next alleges that victim after marriage informed that accused persons including the petitioner were demanding dowry of Rs.5 lakh and on account of non-fulfillment of the demand, she would be killed, further on 02.01.2026 he received an information at 6 A.M. that his sister has been killed, thus reached the place of occurrence and saw the dead body of the victim lying and accused were absconding.

7. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant being sister-in-law (Gotni) of the deceased. It is next submitted that petitioner no.2 along with her husband Dharmendra are staying in Delhi, where Dharmendra works as a driver. It is further submitted that petitioner no.2 along with her husband had come to the village for attending a marriage, when the occurrence took place and the petitioner along with her husband also came to be implicated. It is further submitted that since petitioner and her husband are staying outside the village, hence it does not appear probable that they would have come to the village for committing the occurrence of killing the



deceased. It is also submitted that the postmortem report records the cause of death as asphyxia, on account of hanging. It is thus submitted that it might be a possibility that on account of dispute of the deceased with her husband, she committed suicide and the entire family members came to be implicated. It is next submitted that whenever any occurrence of the nature, as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is further submitted that even allegation of demand of dowry and torture is general and omnibus in nature. It is further submitted that since the dead body of the victim was lying in the house that amply demonstrates that no efforts were made on behalf of the petitioner or her family members to dispose of the dead body with an intent to conceal evidence rather the dead body was sent for postmortem and the doctor opined the cause of death as recorded hereinabove.

8. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that no doubt the doctor has opined the cause of death as asphyxia, on account of hanging but then during the course of investigation it has come that the house was under



construction and there was absolutely nothing in the house from where the deceased could have committed suicide by hanging herself, on query of the Court from the S.H.O. of the case on the said issue, the SHO also submitted that at the place of occurrence, from where, the dead body was recovered i.e. the house was under construction and there was nothing in the house which could even remotely suggest that the deceased could have committed suicide but then fairly submits that the doctor has opined the cause of death as asphyxia on account of hanging. Learned counsel appearing on behalf of the informant further submits that the deceased died within 20 days of marriage, as such presumption in law is also against the husband and his family members, on which, the learned counsel appearing on behalf of the petitioner submits that no doubt the victim died within a short span of time after her marriage but then all deaths are not dowry death and petitioner along with her husband were residing outside the village at Delhi and they had come in a marriage function, when they came to be implicated. The SHO of the case also submitted that during the course of investigation it has come that petitioner along with her husband were residing outside the village at Delhi.

9. After hearing the learned counsel for the parties,



the petitioner no.2, above-named, in the event of her arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bairgania P.S. Case No.11 of 2026, subject to the conditions as laid down under Section 482(2) B.N.S.S.

10. The personal appearance of the SHO of the case is dispensed with.

(Satyavrat Verma, J)

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