

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48308 of 2026

Arising Out of PS. Case No.-48 Year-2026 Thana- BHITAHA District- West Champaran

Basanti Devi, W/o Harikishun Patel, Resident of Village- Gulariya, Harjan Basti, P.S- Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ganesh Choudhary, S/o Late Shivcharan Choudhary, R/o- Rahmanpur, P.S- Dhanaha, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 22-07-2026 Heard Mr. Ajit Kumar Singh, learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner is apprehending her arrest in connection with Bhitaha P.S. Case No. 48 of 2026 registered for the offences punishable under Sections 80, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3/4 of the Dowry Prohibition Act.

3. Based upon the written report, the prosecution alleges that the marriage of the informant's daughter was solemnized with the son of the petitioner three years ago. Soon after the marriage, the victim was subjected to demand of dowry and on account of non-fulfillment of the same, she was tortured in various ways, and in the evening of 10.03.2026, it has been



informed that she was brutally assaulted and was in unconscious condition, whereupon the informant rushed to the matrimonial home and brought her to a private hospital, however, during the treatment, she died on 14.03.2026.

4. Learned Advocate for the petitioner drawing the attention of this Court to the written report submitted that the entire allegation of torture and demand of dowry is revolving around the husband of the deceased, who has been taken into custody and now incarcerated. So far as the petitioner is concerned, she happens to be the mother-in-law of the deceased, and an omnibus allegation has been levelled against all the family members. The petitioner has nothing to do with the day-to-day affairs of the husband and wife, however, only by virtue of she being the mother-in-law of the deceased, her name has been implicated in this case. Moreover, the victim was taken to the hospital on 10.03.2026, but at that point of time, no complaint or any F.I.R. has been instituted, but subsequently, when the deceased died on 14.03.2026, the present F.I.R. came to be instituted.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submitted that since the deceased died within three years on account of unnatural death and preceding her death, there was a demand of



dowry and, as such, presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and taking note of the fact that specific accusation has been levelled against the husband of the deceased, who is behind the bar and petitioner is facing omnibus allegation; besides the delay in lodging of the F.I.R. as well as the petitioner is non-else, but the mother-in-law, let the petitioner, named above, in the event of her arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in connection with Bhitaha P.S. Case No. 48 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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