

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87405 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- GORIAKOTHI District- Siwan

1. Tara Devi W/o Shivshankar Chaurasia @ Chaurasia Shivshankar R/o Village - Kapia Hata, Dakshini Sarari, P.S - Goreyakothi, District - Siwan
2. Shivshankar Chaurasia @ Chourasiya Shivshankar S/o Late Nageshwar Chaurasia R/o Village - Kapia Hata, Dakshini Sarari, P.S - Goreyakothi, District - Siwan
3. Umesh Kumar Chaurasiya @ Umesh Chaurasia S/o Shivshankar Chaurasia @ Chaurasia Shivshankar R/o Village - Kapia Hata, Dakshini Sarari, P.S - Goreyakothi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Netan Chouhan, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-04-2026 Heard Mr. Netan Chouhan, learned counsel appearing on behalf of the petitioners and Mr. Shantanu Kumar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Goreyakothi P.S. Case No. 174 of 2025, registered under Sections 80, 238, 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. As per the allegation made in the FIR, the informant alleges that his daughter, who was married to one Awadhesh Chaurasia, was subjected to dowry-related torture by her husband and in-laws and was ultimately killed by them,



thereafter, her dead body was cremated.

4. Learned counsel for the petitioners submits that the petitioners, being the parents-in-law (petitioner nos.1 and 2) and brother-in-law (petitioner no.3) of the deceased, are innocent and have been falsely implicated and no specific allegation of dowry demand or cruelty has been attributed to them, the allegations are general and omnibus in nature. The death of the deceased occurred on 23.05.2025 and the F.I.R. was lodged on the same day i.e. on 23.05.2025. The husband of the deceased, who was working in Gujarat, also died on the same day after receiving the news of her death. The informant has entered into a compromise and has stated that the deceased was suffering from illness and that the F.I.R. was lodged under influence. The petitioners have clean antecedents. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, upon perusal of the materials available on record, it appears that the death of the deceased occurred on 23.05.2025 and the F.I.R. was lodged on the same day. It is also brought on record that the husband of the deceased, who was



working in Gujarat, also died on the same day after receiving the news of her death. From paragraph 23 of the case diary, it appears that the *Mukhiya* and *Sarpanch* have supported the version of strained matrimonial relationship between the deceased and her husband. The petitioners, being the parents-in-law and brother-in-law of the deceased, are not attributed with any specific allegation of dowry demand or cruelty soon before her death and the allegations are general and omnibus in nature. In view of the law laid down by the Apex Court in case of *State of Uttarakhand vs. Sanjay Ram Tamta @ Sanju @ Prem Prakash* reported in *2025 INSC 187* and in case of *Karan Singh vs. State of Haryana*, reported in *2025 INSC 133*, the essential ingredients of Section 304-B I.P.C. and the presumption under Section 113-B of the Evidence Act require specific material showing cruelty or harassment for dowry soon before death, which *prima facie* does not appear against the petitioners. It is also brought on record that the informant has entered into compromise and stated that the deceased was suffering from illness and the F.I.R. was lodged under an influence. Considering the clean antecedents of the petitioners and the facts and circumstances of the present case, I am of the opinion that the petitioners have, *prima facie*, made out a case



for grant of pre-arrest bail.

7. The learned District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Goreyakothi P.S. Case No. 174 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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