

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37698 of 2020**

Arising Out of PS. Case No.-97 Year-2020 Thana- SHERGHATI District- Gaya

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1. Gangotri Devi, aged about 40 years (Female), wife of Sri Mohan Yadav.
 2. Mohan Yadav, aged about 45 years (Male), son of Sri Bachan Yadav.
Both resident of village - Milkibag, P.S.- Sherghati, District - Gaya.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
For the State : Ms. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 20-07-2021

The matter has been heard *via* video conferencing

2. Heard Mr. Vikam Deo Singh, learned counsel for the petitioners and Ms. Veena Kumari Jaiswal, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Sherghati PS Case No. 97 of 2020 dated 02.03.2020, instituted under Section 304-B/34 of the Indian Penal Code.

4. The allegation against the petitioners, who are the mother-in-law and father-in-law of the deceased, who was daughter of the informant, is of strangulating her due to non-fulfillment of demand of money for purchasing a milch cow.



5. Learned counsel for the petitioners submitted that the marriage took place six years back and there are two male children born out of the wedlock and this itself would falsify the allegation of demand of any money. Learned counsel submitted that as per the FIR itself, the informant has alleged that fifteen days prior to the date of occurrence, the deceased had informed him that the petitioners and another co-accused had physically assaulted the deceased threatening her to flee away otherwise, they would kill her, but neither any step having been taken by her nor complain made anywhere clearly falsifies such allegation. Further, it was submitted that in the postmortem report, it has only come that there was ligature mark on the neck, which was caused due to hanging leading to asphyxia and no other antemortem injury on the body has been found. Thus, it was submitted that the allegation of assault is falsified. Learned counsel submitted that surprisingly the son of the petitioner, who is the husband of the deceased, has not been made accused. Learned counsel submitted that he lives in Patiala and the deceased was wanting her husband to take her to Patiala due to which there was differences between the couple and on the fateful day also, what transpired between them is not known to the petitioners and that she had taken her life as no mark of any



resistance or any assault or any forcible action has been found on the body during postmortem. Learned counsel submitted that the petitioners have no criminal antecedent and further that it cannot be believed that only due to lack of bringing money for purchase of a milch cow such extreme step would be taken, especially when there are two minor sons of the deceased and the father of the children was living outside the state. It was submitted that there has been no complaint made before any authority with regard to any torture or demand of dowry earlier and, thus, the same, at this stage, after the deceased having taken her life, is clearly *mala fide* and to harass the petitioners for oblique reasons.

6. Learned APP submitted that the allegation is that the petitioners had strangulated the deceased due to non-fulfillment of demand of money for purchasing a milch cow.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sherghati,



Gaya, in Sherghati PS Case No. 97 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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