

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22648 of 2015

Arising Out of PS.Case No. -757 Year- 2014 Thana -SAHARSA District- SAHARSA

1. Md. Sanif
2. Bibi Nabisa Khatoon

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhan Chandra Jha-Advocate
For the Opposite Party/s : Mr. Hirday Prasad Singh (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 09-07-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Showing the date of occurrence in between
10.05.2013 to 10.06.2013, complainant, Md. Abdul Kalam father
of deceased Ruksar Pravin filed complaint petition, which was
sent to the local police for registration and investigation of the
case under Section 156(3) of the Cr.P.C. alleging inter alia that
after marriage while deceased was staying at her *Sasural*, there
was demand of dowry at the end of her *Sasuralwala* and on
account of her refusal, she was severally tortured whereupon
prosecution party gone to her place and tried to pacify the matter,
however, *Sasuralwal* did not concede. As such, his daughter tried
to leave the place, but she was prevented and then, was severally
assaulted. Bibi Nabisa Khatoon snatched away her attaché

containing ornaments etc. Thereafter, complainant took his daughter, got her examined by a doctor and during course of treatment, she died. It has also been disclosed that he had gone to police who declined to register a case hence, complaint has been filed.

The order impugned has been passed after going through the case diary wherefrom, it is apparent that prosecution failed to produce any kind of medical certificate in order to suggest that deceased was assaulted and for that, treatment was going on. It is also surprising that prosecution party did not care to get the post mortem conducted over dead body of deceased approaching the higher police officials in case, there happens to be denial at the end of local police officials to register a case and instead thereof, as is evident from the order impugned, complaint was filed a month after i.e. on 15.07.2013 without any cogent explanation. Furthermore, both the petitioners are under custody since 11.02.2015.

Apart from this, the order impugned also discloses statement of the witnesses, who had disclosed that deceased was suffering from Renal failure, which is found corroborated with Annexure-2, a discharge certificate issued by Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna.

Taking into account the cumulative effect of facts and circumstances of the case, petitioners, **Md. Sanif** and **Bibi Nabisa Khatoon** each are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P. S. Case no.757 of 2014.

(Aditya Kumar Trivedi, J)

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