

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43188 of 2014

Arising Out of PS.Case No. -157 Year- 2014 Thana -BARHARA District- BHOJPUR

- =====
1. Md. Muslim Mian @ Md. Muslim Son of Late Md. Shamsuddin Mian.
 2. Saira Khatoon, Wife of Md. Muslim Mian.
- Both are resident of Village- Nundi, P.S. Krishnagarh, District- Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

ORAL ORDER

3 28-04-2015 Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State. The application on behalf of petitioner no.1 has already been withdrawn earlier as he was arrested.

The petitioner no. 2 apprehend arrest in Barhara P.S. Case No. 157 of 2014 dated 17.07.2014 instituted under Sections 498A/304B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The petitioner is the mother-in-law and the allegation is of poisoning the deceased to death.

Learned counsel for the petitioner submits that the husband is in custody and that they were living separately and further the deceased was not mentally fit.

Learned A.P.P. submits that the death due to poisoning indicates that the food was contaminated and

petitioner being the mother-in-law the presumption is that she being the cook did some foul play and further when the husband of the petitioner i.e., the father-in-law of the deceased had been taken into custody and was granted regular bail by this Court, the petitioner does not deserve the privilege of anticipatory bail as the death was within four months of the marriage in the house of the petitioner.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner no. 2 on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner no. 2 surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order preferably on the same day.

(Ahsanuddin Amanullah, J.)

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