

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37743 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

1. Hamida Wife of Ajaharuddin, resident of Village- Sirahira, Police Station- Chand, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 06-10-2016 Heard the Counsel for the petitioner and the APP for the State.

Petitioner is a lady and indisputably not a family member of the deceased. The father lodged the case vide Chand P.S. Case No. 46 of 2016 registered under Sections 304B and 34 of the Indian Penal Code alleging that after the marriage of his daughter with Shamsher Ali, the in-laws started torturing her on account of non-fulfilment of dowry. Ultimately, she was done to death in the matrimonial home in a suspicious circumstance.

The contention of the petitioner is that even according to the F.I.R., she is not a member of the family of the husband. Only a vague allegation is levelled that the husband of the deceased was involved in illicit relationship with the petitioner and, as such, the petitioner has cooperated in commission of the offence. It is stated that the husband of the petitioner is already in custody. Looking to

the nature of the allegation, co-accused Mausam Ali and his wife Rubi Begum have been granted the privilege of anticipatory bail vide order dated 05.08.2016 passed in Cr. Misc. No. 27637 of 2016.

In the circumstances, in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in Chand P.S. Case No. 46 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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