

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21018 of 2016

Arising Out of PS.Case No. -359 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Rahim Ansari
 2. Ayub Ansari
 3. Karim Ansari All sons of Late Gaffar Ansari
 4. Hamida Khatoon wife of Late Gaffar Ansari
All resident of village-Sonma, Police Station- Bathnaha, District-
Sitamarhi.
 5. Chhotan Ansari son of Late Taslim Ansari, resident of village-
Karanahiya, Police Station- Bathnaha, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bashir Ansari son of Late Saheb Jan Ansari, resident of village- Mirjapur,
Police Station + District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Pd. Yadav
For the Opposite Party/s : Mr. Arun Kr.Singh 5(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 09-09-2016 Heard learned counsel for the petitioners and learned

counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection
with Complaint Case No. C1-359 of 2015 for the offences
registered under Sections 304B of the Indian Penal Code.

Case dairy of the present case was called for, which
has since been received.

Learned counsel for the petitioners submits that the
petitioners have falsely been implicated in the present case as



the first information report has been lodged almost 2 and ½ months of the death of the daughter of the informant. It is further submitted that actually, the victim lady has been admitted in the hospital for child birth and she died during child birth. The victim lady was in her Naihar at the time of child birth and she was admitted in the hospital for her delivery. It is further submitted that in the case dairy, several witnesses have confirmed the assertion of the petitioner that at the time of death the victim lady was in her Naihar as she was expecting her baby.

Learned counsel for the State after perusal of the case dairy submits that admittedly, the girl was in her Naihar at the time of delivering her child but there is no demand of dowry by the petitioner and as such, the provision of Section 304B of the Indian Penal Code is not attracted. However, there was no earlier case with regard to torture under Section 498A of the Indian Penal Code and only subsequently, after her death the present allegation have come to the fore.

Learned counsel for the petitioners further contends that the first information report in the present case has been lodged belatedly and there is no plausible explanation for the same. Furthermore, the charges as levelled are wholly fabricated and an afterthought by the informant and his family members.

In view of the aforesaid facts and circumstances of the case and the material which has surfaced in the case dairy, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C1-359 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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