

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61376 of 2017

Arising Out of PS. Case No.-169 Year-2016 Thana- POTHIIYA District- Kishanganj

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1. Safiya @ Safiya Khatoon @ Sofiya Khatoon, Daughter of Sohardin,
 2. Nisharul Nissa, Wife of Jahirul,
 3. Jahirul, Son of Sohardin, All are Resident of Village- Naya Basti Bhandayana, P.S.- Paharkatta, District- Kishanganj.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Opposite Party/s : Mr. MD. ARIF

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsels for the petitioners and State.

The petitioners being the sister, sister-in-law (Bhabi) and elder brother of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304B and 306/34 of the IPC.

The prosecution case got initiated on the fardbeyan of Jamil Akhtar to the effect that the informant got his daughter married with Mustafa about four year prior to the death of the victim, but some time after the marriage, the informant's daughter was being tortured for non-fulfillment of further dowry demand, for which the daughter of the informant filed a case before Mahila police station, but no regular case was registered,



but subsequently, the victim started residing with the informant. It is further alleged that the husband of the victim came to informant's house and threatened the victim that he will perform second marriage and will torture her to death. Few days thereafter, the husband of the victim performed second marriage, which compelled the victim to commit suicide by consuming poison.

It is submitted by learned counsel for the petitioners that as per the FIR, admittedly, the victim committed suicide at her parents house. There is no specific accusation against the petitioners. The petitioners claim to be separate from the husband of the victim and the thrust of accusation is against the husband of the victim who is in custody. Moreover, father of the husband of the victim, namely, Sohardin has been granted regular bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 57113 of 2017.

Considering the fact that the victim committed suicide at her parents house and thrust of accusation is against the husband of the victim, let above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand)



each with two sureties of like amount each to the satisfaction of
learned ACJM-III, Kishanganj in connection with Pothia P.S.
Case No. 169 of 2016, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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