

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6349 of 2017

Arising Out of PS.Case No. -228 Year- 2016 Thana -BARHARIA District- SIWAN

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1. Akhtary, W/o- Md. Shamim
2. Sarwary, W/o- Md. Imamuddin Both Resident of Village- Madhopur, PO
and PS- Barharia, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Astara Khatoon, W/o- Rizwan Ahmad, Resident of Village- Jhunapur,
Bhuski Tola, P.S.- Mahadeva (OP), District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti
For the Opposite Party/s : Smt. Asha Kumari,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 28-03-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Barharia P.S. Case No.228/16 registered under Sections 326,
307, 498 (A)/34, 302 of the Indian Penal Code and Section 3/4 of
D.P.Act.

The accusation is that on 4.11.2016 the informant,
Astara Khatoon, received an information on mobile that her
daughter Mumtaz Begum @ Nilu is serious in Sadar Hospital.
Thereafter she went to Sadar Hospital Siwan where she inquired
but she did not get any trace of her daughter. Then,she again



inquired on mobile then brother-in-law of her daughter told to come at Barharia Primary Health Centre, upon which she went there she could not get any trace of her daughter there. Thereafter she went to the matrimonial house of her daughter but she was not allowed to enter into the house. When police reached there then she went inside the room and found her daughter lying on the bed in burnt condition. Immediately her daughter was rushed to Sadar Hospital Siwan for treatment. The informant further alleged that her daughter Mumtaz Begum has been burnt by her father-in-law, Ali Raza, husband Jalil Ahmad, mother-in-law, Lailun Nisha, brother-in-law, Md. Alam, sisters-in-law, Akhtari and Sarwari, on account of non-fulfillment of dowry demand. The daughter of informant died in course of treatment.

Learned counsel for the petitioner submits that both the petitioners are married Nanad of the daughter of the informant. The daughter of the informant had earlier lodged Barharia P.S. Case No.117/12 for the offences under Sections 498A, 341, 323, 504/34 of I.P.C. But she did not name the petitioners. Both the petitioners have falsely been implicated in this case with ulterior motive. Moreover, the husband of the deceased Jamil Ahmad is in custody since 10.01.2017.

Having regard to the facts and circumstances of the



case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan, in connection with Barharia P.S. Case No.228/16, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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