

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13381 of 2017

Arising Out of PS.Case No. -177 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

=====

1. Rabeya Khatoon @ Rabya Khatoon, W/o Aslam Ansari,
2. Laila Khatoon, W/o Safur Ansari,
Both Resident of Village-Satwariya, P.S.-Shikarpur, District -West
Champanan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the State : Mr. Sri Ram Naresh Ray, APP

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

4 19-08-2017 Heard learned counsels for the petitioners and the

State.

The petitioners, being the married sister and mother of
the husband of the victim, are apprehending arrest in a case
registered for the offences punishable under Sections 498A and
304B/34 of the Indian Penal Code.

The prosecution case is that the sister of the informant
namely, Noorbani Khatoon, was married with Khursid Ansari
about three years prior to lodging of the case. After six months of
marriage, further demand of Hero Honda motorcycle was made
and subsequently, Rs. 20,000/- was paid to the father of the



husband of the victim. Subsequently, due to non-fulfillment of the dowry, the sister of the informant was killed.

It is submitted by learned Counsel for the petitioners that the victim died due to acute cardiac arrest and the post-mortem reflects no injury. The Viscera has been preserved, but the report of the FSL is still awaited. The accusations against these petitioners are omnibus and general. The specific accusation is against the father of the husband of the victim and married sister's husband of the husband of the victim, who have been granted bail by a co-ordinate Bench of this Court vide order dated 30.06.2017, passed in Criminal Miscellaneous No. 26696 of 2017. Moreover, the informant has retracted from the initial version and filed an application to that effect before the learned Court below, as contained in Annexure-2.

Learned APP after going through the case diary does not controvert this submission of learned Counsel for the petitioner that the post-mortem does not reflect any injury and the FSL report is awaited. Moreover, he submits that the accusation is omnibus and general against these petitioners.

Considering the fact that the petitioners are ladies and there is no specific accusation against them, either of demand of dowry or inflicting any torture to the victim coupled with the fact



that the post-mortem report does not reflect any injury on the dead body of the victim, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No.177 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

