

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25301 of 2017

Arising Out of PS. Case No.-60 Year-2009 Thana- SIKTI District- Araria

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1. Serajul Khalifa, Son of Kailu Khalifa,
 2. Budhia Khatoon, W/o Serazul Khalifa,
 3. Runa Khatoon, D/o Kailu Khalifa,
- All are Resident of Village- Aamgachhi, Pokharia, P.S.- Sikty,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Naushad uzzoha, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-10-2017 Heard learned Counsels for the petitioners and the
State.

The petitioners being the elder brother, elder brother's wife and the sister of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant, namely, Hazra Khatoon, was married with Nasrool Khalifa, about three years prior to the lodging of the FIR. Initially, she was kept with dignity by the in-laws people, but, thereafter, further dowry demand of Rupees Twenty Thousand and a Cow was made and for non-fulfillment of the same



torture was inflicted and assault was made. On 05.08.2009, the informant came to know that his daughter has been assaulted when the son of the informant namely, Kaxruzzama, went to the in-laws house where the accused persons assaulted the daughter of the informant in his presence. On 06.05.2009, when the informant on information went to the in-laws house of his daughter he found his daughter dead.

It is submitted by learned Counsel appearing on behalf of the petitioners that the thrust of accusation is against the husband of the victim. The accusation is not specific against these petitioners, though they are named in the First Information Report. Moreover, they claimed to live separate from the husband of the victim. On conclusion of investigation, the petitioners were not sent up for trial, which gets reflected from the certified copy of the final form brought on record as Annexure-2, but differing with the final form, learned Judicial Magistrate took cognizance. It is further submitted by the petitioner that the FIR was lodged in 2009, but since the petitioners were residing outside the State, they could not approach the Court earlier

Considering the fact that the thrust of accusation is against the husband of the victim and on conclusion of



investigation, the petitioners were not sent up for trial, 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 Chief Judicial Magistrate, Araria, in connection with Sikty P.S. Case No. 60/2009, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Learned court below will be at liberty to cancel the bail bonds of the petitioners if the petitioners default for three consecutive occasions.

(Dinesh Kumar Singh, J)

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