

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31222 of 2017

Arising Out of PS.Case No. -160 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

- =====
1. Rahima Khatoon, wife of Khalil Ansari,
 2. Jainab @ Jainab Khatun, D/o Khalil Ansari,
 3. Gulam Rasul Ansari, son of Khalil Ansari,
 4. Khalil Ansari, son of late Basropan Ansari, all residents of village -
Pusauli (Power Grid), P.S. - Mohania, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 31-07-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in Mohania
P.S. Case No.160 of 2017 instituted for the offence under
Section(s) 304-B/34 Indian Penal Code.

As per written report, daughter of the informant was
killed in her *Sasural* by the accused persons due to burn injuries
on account of non-fulfillment of demand of dowry.

Counsel for the petitioners has submitted that prior
to death one *Sanha* was filed by deceased (Annexure-3) on
17.03.2017, wherein, she has stated that while cooking food she
sustained burn injury.

Case diary has been received, wherein, it is said that



the doctor has found burn injuries on the person of the deceased. It appears from the order of the learned Sessions Judge that submission was made that aforesaid *Sanha* has been prepared as defence and there is no signature of the informant on the aforesaid *Sanha*.

This Court after looking into the *Sanha* is *prima facie* of the view that the aforesaid *Sanha* has been prepared only as a defence.

Therefore, this Court is not inclined to extend the privilege of anticipatory bail to petitioner Nos.1, 3 and 4.

Accordingly, prayer of the petitioner Nos.1, 3 and 4 for grant of anticipatory bail is **rejected**. They may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far as petitioner No.2, Jainab @ Jainab Khatun, is concerned, she is sister-in-law (*Nanad*) of the deceased. There is no allegation of any specific overt act against her.

In the facts and circumstances of the case, prayer of the petitioner No.2, Jainab @ Jainab Khatun, for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No.2, Jainab @ Jainab Khatun, within six weeks from today in connection with Mohania P.S. Case No.160 of 2017, she



shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabhua, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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