

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61649 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- KATIHAR MUFFASIL District- Katihar

1. Bibi Reshma Khatoon @ Reshma Khatoon, W/o Md. Shamim
 2. Md. Shahnawaz, S/o Md. Shamim, Both are Resident of Village- Rajitpur Ward No. 45, P.S.- Muffasil, District- Katihar.
- Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Opposite Party/s : Mr. Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2018

Heard learned counsels for the parties.

The petitioners, being mother and brother of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304B/34 of the IPC.

The prosecution case as per the fardbeyan of Md. Salim dated 3.3.2018 recorded by the SHO, Katihar Mufassil Police Station is to the effect that informant's daughter, namely, Marjana Khatoon was married with Md. Raja on 18.4.2017 but subsequently, further dowry demand of Rupees Eighty eight thousand was made and due to non-fulfillment of the same, torture was inflicted torture. On 2.3.2018 the father-in-law of the victim called the informant and informed him that he found her daughter lying dead in the bed.

The impugned order suggests that at paragraph 7 of the



case diary, the informant has supported the factum of occurrence whereas paragraph 8 of the case diary suggests that the victim was carrying pregnancy of about 8-12 weeks. The postmortem report reflects the death due to asphyxia caused by strangulation.

It is submitted by learned counsel for the petitioners that during investigation, nothing specific has been collected against the petitioner. The thrust of accusation is against the husband of the victim as the accusation of demand of dowry is levelled against him. It is further submitted that the husband of petitioner no. 1 has been granted regular bail by a Bench of this Court vide order dated 9.7.2018 passed in Cr. Misc. No. 31135 of 2018.

Learned APP submits that the accusation is against the entire in-laws family members including the petitioners.

Considering the thrust of accusation against the husband of the victim in the FIR and fact that the impugned order which has been passed by the learned Sessions Judge after going through the case diary, does not suggest any specific accusation against the petitioners, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 JM Ist Class,
Katihar in connection with Katihar Mufassil P.S. Case No.40
of 2018 subject to the conditions laid down in Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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