

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8269 of 2019

Arising Out of PS. Case No.-100 Year-2018 Thana- SATHI District- West Champaran

Naginiya Khatoon, aged about 65 years, Female, Wife of Ali Hassan,
Resident of Village- Lachhnauta, Tiwari Tola, Police Station- Sathi, District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsels for the petitioner, informant
and the State.

The petitioner, being the mother-in-law of the victim, is
apprehending arrest in a case registered for the offences
punishable under Sections 304(B), 201 and 34 of the IPC.

The prosecution case, as per the written report of Phul
Sharif Ansari, submitted to the Station House Officer, Sathi
Police Station, is to the effect that the daughter of the informant,
Kulsum Khatoon was married with the son of the petitioner,
Mustakim Ansari, 12 years prior of lodging of the present case.
After marriage, their relationship was cordial for one year and
thereafter, further dowry demand of a motorcycle and a buffalo
was made. It is further alleged that on 15.06.2018, the informant



received an information that her daughter has been killed and her dead body has been disposed of by the in-law family members including the petitioner. Thereafter, the informant went to the in-law house of her daughter and found that all the accused persons have escaped from the scene.

It is submitted by the learned counsel for the petitioner that as per the accusation made in the FIR, further dowry demand of a motorcycle and a buffalo after 12 years of marriage seems absolutely unreasonable and unbelievable, hence no case under Section 304(B) is made out against the petitioner. It is further submitted that the informant is not the eye witness to the alleged occurrence. Moreover, the petitioner has been roped in the present case, simply because she is mother of the husband of the victim. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned counsel for the informant that the dead body of the victim was located with 80% burn injury and hence the FIR was lodged and the petitioner is named in the FIR.

It is submitted by the learned APP for the State that the petitioner is named in the FIR.

Considering the fact accusation made in the FIR and



further dowry demand after 12 years of marriage, hence the case does not come within the purview of Section 304(B) of the IPC, the accusation is omnibus and general against the entire in-law family members including the petitioner and the petitioner being an old lady, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **C.J.M., West Champaran, Bettiah** in connection with **Sathi P.S. Case No.100 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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