

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14599 of 2019

Arising Out of PS. Case No.-246 Year-2018 Thana- KESARIA District- East Champaran

1. Md. Alam @ Alam Son of Late Israfil Resident of Village-Dilawarpur, Police Station-Kesariya, District-East Champaran.
2. Noor Alam, Son of Late Israfil Resident of Village-Dilawarpur, Police Station-Kesariya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners, being the elder brothers 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 written report of Chand Miyan, dated 27.06.2018, submitted to the Station House Officer, Kesariya Police Station, is to the effect that the informant's daughter, Amana Khatoon was married with Md. Aslam on 06.04.2017. Subsequently, the husband of the informant's daughter demanded further dowry of a motorcycle and due to non-fulfillment of the same, she was tortured by the



petitioners and other in-law family members. It is further alleged that on 26.06.2018, on information being received, the informant went to the in-law's house of his daughter and found that his daughter has been killed by throttling.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the victim. The accusation against the petitioners is omnibus and general and the petitioners claim to be separate from the husband of the victim. Moreover, co-accused, Md. Hafiz, who is the grandfather-in-law of the victim, has been granted privilege of anticipatory bail, by a Co-ordinate Bench of this Court, vide order dated 20.12.2018, passed in Cr. Misc. No. 73378 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that thrust of accusation is against the husband of the victim, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Kesariya P.S. Case No. 246 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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