

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20034 of 2019

Arising Out of PS. Case No.-348 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

-
1. MD. NAJIR Son of Md. Shafiq Rahman, Resident of Village- Manjhiyama, Police Station- Sadar, District- Darbhanga.
 2. Md. Kurkut @ Md. Sultan @ Kutkut, Son of Md. Shafiq Rahman, Resident of Village- Manjhiyama, Police Station- Sadar, District- Darbhanga.
 3. Soni Khatoon @ Akhtari Khatoon, Wife of Md. Najir, Resident of Village- Manjhiyama, Police Station- Sadar, District- Darbhanga.
 4. Moni Khatoon @ Aaysha Khatoon, Wife of Md. Chhotu, Resident of Village- Manjhiyama, Police Station- Sadar, District- Darbhanga.
 5. Md. Shafiq @ Md. Safi @ Md. Shafiq Rahman, son of Late Domu Nadaf, Resident of Village- Manjhiyama, Police Station- Sadar, District- Darbhanga.
 6. Lothiya Khatoon @ Rehana Khatoon @ Julekha Khatoon @ Rahana @ Lutiya, Wife of Late Domu Nadaf @ Rajjak, Resident of Village- Manjhiyama, Police Station- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 19-06-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Sadar P.S. Case No. 348 of 2018 registered for the offence
punishable under Sections 304 (B) and 34 of the Indian Penal
Code.

Informant Sabira Khatoon performed marriage of her



daughter with Shafiq Rahaman alias Md. Shafiq @ Md. Safi. She came to know that Md. Shafiq Rahaman is already married and having eight children from first wife. All the accused persons named in the F.I.R. committed dowry death of the informant's daughter by strangulation.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. Petitioners have no concern with the aforesaid occurrence. Petitioners neither demanded dowry nor ever committed dowry death. Petitioners No. 1 to 4 are the step sons and daughters of the deceased whereas petitioner no. 6 is mother-in-law of the deceased. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The informant had lodged the aforesaid case against the petitioners under wrong impression but subsequently filed petition before the Chief Judicial Magistrate, Darbhanga submitting that the deceased was suffering from mental ailment and she herself committed suicide.

On the other hand, learned A.P.P. for the State vehemently opposing the bail petition submitted that the petitioner No.5 happens to be husband of the deceased and he along with other accused persons committed the dowry death of



the deceased, hence he does not deserve bail.

As the petitioners no. 1 to 4 happens to be step sons and daughters of the deceased and petitioner no. 6 happens to be the mother-in-law of the deceased and allegation levelled against them is not specific rather general and omnibus in nature. Let the above named petitioners No. 1 to 4 and 6, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Darbhanga in connection with Sadar Police Station Case No. 348 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As the petitioner No.5 happens to be the husband of the deceased, I am not inclined to enlarge the petitioner No.5 on bail. The prayer for bail of the petitioner No.5 is hereby rejected.

However, the petitioner No.5 is directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being



prejudiced by this order.

This application is disposed of.

(Prakash Chandra Jaiswal, J)

T.Kr./-

U		T	
---	--	---	--

