

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25726 of 2019**

Arising Out of PS. Case No.-52 Year-2018 Thana- PURUSHOTTAMPUR District- West
Champaran

=====

SALMA KHATOON Wife of Amrudin Devan @ Amardin Devan Resident of
Village-Parsa, P.S.-Pursottampur, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Satyavrat Verma
For the Opposite Party/s	:	Mr.Ashok Kumar Singh
For the informant	:	Mr. Arbind Kumar Singh
		Mr. Manaur Alam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 19-09-2019 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Purusottampur Police Station Case No. 52 of 2018,
disclosing offences under Sections 304-B/34 of the Indian Penal
Code.

The allegation against the petitioner, as per the First
Information Report, is that daughter of the informant was
married with one Afroz Dewan. On 07.09.2018, one person
informed another daughter of the informant regarding the
married daughter of the informant and the informant rushed
from her house and saw that the accused persons were preparing



to bury the dead body of the daughter of the informant, Sakeela Khatoon. It has further been alleged that the informant noticed that blood was oozing out from the nose of her deceased daughter and there was also a cut mark on her lips. The informant alleges that her son-in-law and other family members, including the petitioner, used to torture her daughter for demand of a sum of Rs. 2,00,000/- as dowry and killed her due to non-fulfillment of the same by pressing her neck.

Learned Counsel for the petitioner submits that the petitioner is the mother-in-law of the deceased and the husband is in custody. He further submits that the petitioner has not committed any offence in the manner alleged inasmuch as in course of investigation, no material has come against the petitioner to connect her with the present offence. He further submits that similarly situated co-accused person, i.e. father-in-law of the deceased, has been granted anticipatory bail by this Court by order, dated 19.04.2019, passed in Criminal Misc. No. 25288 of 2019.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner is named in the First Information Report and was involved in the killing of the daughter of the informant by



pressing her neck.

By order, dated 23.07.2019, viscera report was called for by this Court, which has been received in this Court in a sealed bag, which was opened in open Court in course of hearing of this case.

From perusal of the viscera report, it is apparent that Aluminium Phosphate was detected in dark brown fluid. It has also been mentioned that Aluminium Phosphate, commercially known as 'Celphos' is a severe gastro-intestinal irritant. Which is used as grain preservative and is highly poisonous.

Having regard to the submissions made on behalf of the parties and taking into consideration the viscera report and the allegation in the First Information Report that the daughter of the informant was killed by pressing her neck, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Salma Khatoon, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, West Champaran, at Bettiah, in connection with Purusottampur Police



Station Case No. 52 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Let the viscera report, received in this Court, be returned to the Regional Forensic Science Laboratory, Muzaffapur, in sealed bag, forthwith.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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