

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53957 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- DHANKUND District- Banka

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1. Bibi Sanjida Wife of Md. Aslam Resident of Village- Naya Tola, Nisabad, Birbalpur, P.S.- Dhankund, District- Banka.
 2. Bibi Kaili @ Bibi Kariman Wife of Md. Rasool Resident of Village- Naya Tola, Nisabad, Birbalpur, P.S.- Dhankund, District- Banka.
 3. Md. Minsar Alam Son of Md. Rafique Solbi Resident of Village- Amdiha, P.S.- Balbadda, District- Godda (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Nandad Prasad, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-11-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Dhankund PS Case No. 68 of 2019 dated 30.05.2019 instituted under Sections 304(B)/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

3. The petitioner no. 1 is the wife of the elder brother of the husband of the deceased; petitioner no. 2 is the mother-in-law of the deceased and petitioner no. 3 the husband of the sister of the husband of the deceased. They are accused of



demand of dowry and torture leading to death of the deceased, who was the daughter of the informant.

4. Learned counsel for the petitioners submitted that the death was natural and further that the allegation made in the FIR is totally false. It was submitted that even in the FIR there is only vague allegation of demand of dowry and torture and even with regard to them no specific overact is alleged. It was submitted that the petitioner no. 2 had in fact informed the informant about the deceased becoming ill and her death and, thus, there was no hiding, either with regard to the information about the deceased becoming ill or her death. It was submitted that even in the post-mortem, the doctor has not found any external or internal injury and the viscera has been sent for forensic examination.

5. Learned APP, from the case diary and the post-mortem report, did not controvert that against the petitioners there is general and omnibus allegation and in the post-mortem, no external or internal injury has been found by the doctor. However, it was submitted that the forensic report of the viscera is vital as it may indicate whether the deceased had been poisoned or not.

6. Having considered the facts and circumstances



of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Banka in Dhankund PS Case No. 68 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 with the further condition that in the event the viscera report indicates any foul play, the petitioners shall surrender before the Court below and seek bail from the Court concerned which shall be considered on the basis of materials before the Court, especially the forensic examination report of the viscera.

(Ahsanuddin Amanullah, J)

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