

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8303 of 2020

Arising Out of PS. Case No.-124 Year-2019 Thana- JADOPUR District- Gopalganj

1. SHAYADA KHATOON W/o Late Taj Mohammad Resident of Village - Tiwari Khareya, P.S.- Gopalpur, Dist.- Gopalganj.
2. Sakina Khatoon D/o Late Taj Mohammad Resident of Village - Tiwari Khareya, P.S.- Gopalpur, Dist.- Gopalganj.
3. Chanda Khatoon D/o Late Taj Mohammad Resident of Village - Tiwari Khareya, P.S.- Gopalpur, Dist.- Gopalganj.
4. Mairu Nesha @ Amina Khatoon W/o Asalam Alam, D/o Late Taj Mohammad Resident of Village - Nirajna Dharampur, P.S.- Jadopur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Indrajeet Bhushan
For the Opposite Party/s :	Mr.Ansar Ul Haque
	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioners and Sri Ashok Kumar, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Gopalpur P.S. Case No. 124 of 2019 registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.



The case of the prosecution in brief is that on 15.7.2019 at 3:00 PM, the informant, Ashgar Ali, had received a phone call from his daughter, Noortara from her matrimonial home that the petitioners herein had poured kerosene oil over her on account of non-fulfillment of their demand of motorcycle by way of dowry and then, they had put her on fire. It is further alleged that thereafter, the informant and his son had arrived at the matrimonial home of the deceased daughter of the informant and saw that she was badly burnt and was crying on account of burn injuries, whereafter they had brought her to the Sadar Hospital, Gopalganj for her treatment, however, she was referred to Gorakhpur, but unfortunately she died on the way.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case, which is apparent from the story propounded in the FIR. It is further submitted that as far as the petitioner no. 1 is concerned, she is the mother-in-law, the petitioners no. 2 and 3 are unmarried sister-in-laws and the petitioner no. 4 is married sister-in-law. It is further submitted that if at all anyone is having any complicity in the matter, it is the husband of the deceased victim lady, hence, it is prayed that this Court may consider granting conditional anticipatory bail,



subject to surrender of the husband of the deceased victim lady. It is further submitted that the petitioners are willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials in the case dairy. The matter is still under investigation and the police is yet to file a charge-sheet, hence, at this juncture, it is difficult to form a conclusive opinion regarding the complicity of the petitioners herein in the alleged crime, thus, this Court finds that the petitioners herein, being ladies, can be granted the privilege of anticipatory bail, subject to the husband surrendering before the learned court below and further, subject to certain conditions being detailed hereinbelow.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 A.C.J.M.-XI, Gopalganj in connection with Gopalpur P.S. Case



No. 124 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further subject to them producing the proof of surrender of the husband of the deceased victim lady before the learned court below as also subject to them furnishing an undertaking before the learned court below that they would appear before the concerned SHO of the police station on each and every Monday of the week at 10:00 AM. and in the event of any default, the present privilege of anticipatory bail granted to them shall stand revoked and they would be liable to be put behind bars forthwith.

(Mohit Kumar Shah, J)

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