

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11950 of 2020

Arising Out of PS. Case No.-229 Year-2019 Thana- HASANPUR District- Samastipur

1. Md. Rajaul @ Md. Riyajul Son of Md. Khurshid Resident of Village-Bahhattar, P.S.-Hasanpur, District-Samastipur.
2. Maryam Begam @ Maryam Kahtoon @ Mariyam Khatoon Wife of Md. Khurshid Resident of Village-Bahhattar, P.S.-Hasanpur, District-Samastipur.
3. Khurshid Alam @ Md. Khurshid Son of Late Md. Hakim @ Abdul Hakim Resident of Village-Bahhattar, P.S.-Hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 25-08-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Hasanpur P.S. Case no. 229 of 2019 registered for the offence punishable under sections 304B and 34 of the Indian Penal Code.

As per allegation in the FIR, the informant states that information was received by him from his son-in-law to the effect that his daughter had died as a result of burn injuries on 27.10.2019. On the informant reaching the Amrit Jeevan



Hospital, the accused persons ran away. It is stated that ever-since the marriage the accused persons had been making a demand of a motorcycle which the informant was unable to give. It is for this reason that the accused persons had burnt his daughter.

It is submitted by learned counsel for the petitioners that the petitioners are the brother-in-law (devar), the mother-in-law and the father-in-law of the deceased. It is submitted that as a result of an accident while cooking food, the daughter of the informant sustained serious burn injuries and was taken to the aforesaid Amrit Jeevan Hospital for treatment where her statement was recorded by the ASI of Police of Begusarai Town Police Station. The statement has been brought on record as Annexure 2 to the petition. Referring to the statement it is submitted that the informant's daughter has clearly stated therein that she got burnt as a result of an accident and had been brought to the hospital for treatment.

The application for bail is opposed by learned APP for the State.

The case diary as also the relevant pages of the station diary entry of the concerned police station in connection with the ASI Deelip Kumar Prabhat recording the statement of the



informant's daughter had been called for and the same have been received

Having heard learned counsel for the parties and on going through the records of the case including the case diary as also the station diary entry, it transpires that there is allegation of demand of motorcycle immediately before the death of the informant's daughter. It has further transpired in course of investigation that the informant's daughter was being tortured for non-fulfillment of the demand of dowry. One of the witnesses in course of investigation has stated that in the talk of marriage of the younger daughter of the informant, a motorcycle was being given by way of a dowry and on hearing the same the husband of the deceased also started making a demand for a motorcycle and on the inability of the informant meeting the said demand, the occurrence was given effect.

In the facts and circumstances of the case, taking into consideration that the main allegation being against the husband of the deceased, so far as the petitioners herein are concerned, this Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Hasanpur P.S. Case no.



229 of 2019 they will be enlarged 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 Additional Chief Judicial Magistrate III, Rosera, Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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