

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26284 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- SIMULTALLA District- Jamui

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1. JAITUN KHATOON W/o Kadir Mian Resident of Village-Bathnabaran, P.S.-Simultalla, District-Jamui.
 2. Kadir Mian S/o Late Hakim Mian Resident of Village-Bathnabaran, P.S.-Simultalla, District-Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Dubey

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-10-2020 The present 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 for the petitioners and Shri Ashok Kumar, learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 2 since the petitioner no. 2 has been arrested during the pendency of the present petition.

Accordingly, the present petition qua the petitioner no. 2 stands dismissed as not pressed.



The petitioner no. 1 apprehends her arrest in connection with Simultalla P.S. Case No. 46 of 2019 for the offence registered under Sections 304(b), 120(b) and 34 of the Indian Penal Code.

The allegation is regarding the accused persons having killed the daughter of the informant on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioners has submitted that the petitioner no. 1 is innocent, she has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner no. 1 is the mother-in-law of the deceased victim lady, who is staying separately from her son, hence benefit of doubt can be granted to her for the purposes of grant of anticipatory bail.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioner no. 1 is the mother-in-law of the deceased victim lady and it has been stated that the main accused is the husband and moreover the petitioner no. 1 is stated to be about 60 years of age and a



female, I deem it fit and proper to admit the petitioner no. 1 to the privilege of anticipatory bail.

Accordingly, the petitioner no. 1, above named, is directed to be released on anticipatory bail in the event of her arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Simitulla P.S. Case No. 46 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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