

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31793 of 2020**

Arising Out of PS Case No.-99 Year-2010 Thana- MANIYARI District- Muzaffarpur

Hamida Khatoon, Female, aged about 73 years, Wife of Mohammed Naeem,
Resident of Village - Siwanpatti (Chakbhikhi), P.S.- Maniyari, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mani Bhushan Kumar, Advocate
For the State	:	Mr. Kumar Ranjit. Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 23-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Mani Bhushan Kumar, learned counsel for the petitioner and Mr. Kumar Ranjit Ranjan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Maniyari PS Case No. 99 of 2010 dated 28.07.2010, instituted under Sections 304B/34 of the Indian Penal Code.

4. Learned counsel for the petitioner submitted that though she is the mother-in-law, but when she along with her



husband had moved for anticipatory bail, the same was granted by a co-ordinate Bench by order dated 15.05.2012 in Cr. Misc. No. 17242 of 2012. However, it was submitted that due to total lack of communication/information to the petitioner that such order was passed which required her to surrender and take bail before the Court below within six weeks, the benefit of the said order could not be taken by the petitioner. Learned counsel submitted that even otherwise the Court may take into consideration the fact that there was absolutely no reason for the petitioner not to surrender and take bail as already she had an order in her favour and it is not open to reason as to why somebody having a favorable order would not take advantage of the same, which clearly proves that she was never made aware of such order. Learned counsel submitted that she belongs to a poor family. It was submitted that she is a 73 years old lady and is mother-in-law of the deceased, who was daughter of the informant. Learned counsel submitted that the death occurred just after two months from the date of marriage which also indicates that there was no foul play, for the reason that even if it is accepted that the petitioner and her family members were demanding dowry, it is not believable that they would kill her so soon without giving sufficient time for fulfillment of the demand. Learned counsel submitted that the



petitioner is in custody since 13.06.2020. Further, learned counsel submitted that supplementary affidavit has been filed stating that the husband of the petitioner has also surrendered before the Court below. Learned counsel submitted that the informant himself has filed petition before the Court below on 03.02.2011 stating that upon information gathered by him, he was satisfied that there was no foul play with regard to the death of his daughter, as the doctor as well as the owner of the tempo on which she was taken to the doctor, had told him that she died of illness and, thus, he was not holding the in-laws of her deceased daughter responsible for the same.

5. Learned APP submitted that the petitioner is the mother-in-law of the deceased. However, he did not dispute that though she was granted anticipatory bail and only because she had not appeared and furnished bail bonds, within six weeks, as was stipulated, she has been arrested and also that the informant has filed a petition clearly stating that he had talked to the doctor who is said to have treated the deceased and also the owner of the tempo on which she was taken to the doctor, who had informed him that she died of illness and the petitioner and her family members neither committed murder nor were responsible for her death.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, West Muzaffarpur in Maniyari PS Case No. 99 of 2020 subject to the condition that one of the bailors shall be a close relative of the petitioner.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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