

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29944 of 2020

Arising Out of PS. Case No.-140 Year-2019 Thana- CHAKAND District- Gaya

1. Mustari Khatoon female aged about 60 years w/o Late Md. Arif.
 2. Noori Khatoon female aged about 32 years w/o Md. Rizwan Ahmad D/o Late Md. Arif.
 3. Shabnam Arif @ Juhi @ Shabnam Aarfi female aged about 26 years D/o Late Md. Arif.
- All 1 to 3 are resident of village Shadipur P.S.-Chakand, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajendra Narayan, Senior Advocate
For the Opposite Party/s :	Mr. Arvind Kumar Singh, Advocate
	Mr. Sakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-02-2021 Heard Mr. Rajendra Narayan, learned senior counsel for the petitioners, Mr. Arvind Kumar Singh, learned counsel for the informant and Mr. Sakir Ahmad, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Chakand P.S. Case No. 140 of 2019 registered for the offence punishable under Section 304(B) / 34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

The allegation as per the First Information Report is that the sister of the informant was married to the son of the petitioner no. – 1 about 1 ½ year back and on 07.11.2019 when



the informant was returning to his home, he saw a gathering in front of the matrimonial home of his sister and when the informant enquired about the same, he found that his sister was dead and her in-laws including the petitioners were running away from the house.

Learned senior counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and petitioner no. 1 is the mother- in- law and petitioner nos. 2 and 3 are the married sister- in- law (Nanad) of the deceased. Learned counsel next submits that there was a “Golat” (exchange marriage) between the brother of the deceased and the sister of the husband of the deceased. Learned counsel next submits that petitioner nos. 2 and 3 are the married sister-in -law of the deceased and are residing in their Sasural with their family members. Learned counsel next submits that the deceased has committed suicide due to depression inasmuch she wanted to accompany her husband at his place of posting who is working as a Constable in S.S.B. and is posted at Kashmir.

On the other hand, learned counsel for the State and the informant vehemently opposed the prayer for anticipatory bail and submits that there is allegation against the petitioners in the First Information Report and the conduct of the petitioners is



also suspicious inasmuch when the informant arrived at the matrimonial home of his sister, all the accused persons were seen fleeing away from the place of occurrence. Learned counsel next submits that the sister of the informant has died within 07 years of the marriage in her matrimonial home in suspicious condition and there is presumption against the accused persons under Section 113B of the Evidence Act.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, I am not inclined to grant anticipatory bail to the petitioner no. 1 namely, Mustari Khatoon, who is the mother -in- law of the deceased.

However, taking into consideration the fact that petitioner nos. 2 and 3 are the married sister -in -law of the deceased and are residing separately along with their husband, I am inclined to grant anticipatory bail to the petitioner nos. 2 and 3.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner nos. 2 and 3 , namely, Noori Khatoon and Shabnam Arif @ Juhi @ Shabnam Aarfi shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Gaya / court concerned in connection with Chakand P.S. Case No. 140 of 2019 , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

