

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30071 of 2020

Arising Out of PS. Case No.-406 Year-2019 Thana- MANIHARI District- Katihar

1. Akhtari Khatoon Wife of Md. Haiyul Alam Resident of Village - Bari Kodar Janna, P.S. - Muffasil, District - Sahebganj (Jharkhand).
2. Md. Dilkash Son of Md. Haiyul Alam Resident of Village - Bari Kodar Janna, P.S. - Muffasil, District - Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 11-01-2021 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Manihari P.S. Case No. 406 of 2019, instituted for the offence under Section(s) 304B/34 of the Indian Penal Code.

The prosecution story in brief is that petitioners are the mother-in-law and brother-in-law of the victim girl and the other accused persons along with the petitioners demanded a



dowry of Rs. 2 lakhs from the victim girl and her family members and due to non-fulfillment of the demand of dowry, the petitioners and others tortured the victim girl with cruelty and ultimately the victim girl has been killed by the accused persons including the petitioners.

Learned counsel appearing for the petitioners submits that from perusal of the First Information Report, it would be evident that the victim girl along with her husband, i.e., son of the petitioner No.1 were living separately in the house of one Chaubey Jee at Manihari Tola, Katihar whereas the petitioners resided at district Sahebganj, Jharkhand along with co-accused, namely, Md. Haiyul Alam @ Haiul Alam (father-in-law). Learned counsel further submits that this fact has also come into light during the course of investigation inasmuch as from perusal of paragraph No.55 of the case diary, it would be evident that the supervising officer has recorded this fact that the victim girl used to reside with her husband at Manihari Tola, Katihar. Learned counsel further submits that there is no allegation in the First Information Report that immediately before the occurrence, the victim girl was tortured and assaulted by these petitioners.

Learned counsel appearing for the State opposes the



prayer for anticipatory bail and submits that during the investigation though it has come to light that the victim girl was residing with her husband separately and petitioners along with other family members used to pressurize the victim girl for dowry. Co-accused, namely, Md. Haiul Alam @ Haiul Alam, who is father-in-law of the deceased, has been allowed bail in Cr. Misc. no. 85795 of 2019.

After having heard learned counsel for the parties and taking into consideration the fact that the victim girl was residing with her husband far away from the residence of the petitioners and the petitioners are mother-in-law and brother-in-law respectively, this Court is inclined to allow prayer for anticipatory bail to the petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, they 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 the CJM, Katihar, in connection with Manihari P. S. Case No. 406 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.



subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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