

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48111 of 2021**

Arising Out of PS. Case No.-269 Year-2018 Thana- SARAIYA District- Muzaffarpur

1. Gulnaz Khatoon, W/O Md. Ejaz, R/O Village-Dil Bihta, P.S-Saraiya (jaitpur O.P.), District-Muzaffarpur.
2. Israt Jehan, W/O Md. Shahzad, R/O Village-Dil Bihta, P.S-Saraiya (jaitpur O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**

ORAL ORDER

2      14-12-2021                      This bail application is taken up out of turn for hearing as marriage ceremony of daughter of the applicant no.2 is going to be held on 17.12.2021.

The applicants/accused in Crime No. 269 of 2018 registered with Saraiya (Jaitpur O.P.) Police Station for the offences punishable under Sections 341, 323, 304(B), 504 r/w Section 34 of the Indian Penal Code at the instance of first informant Ajhar Hussain, by this application are seeking their release on bail during the course of the trial.

The applicants are stated to be wives of brothers of husband of married women named Nusrat Khatoon who died unnatural death.



Heard the learned counsel appearing for the applicant/accused. He argued that other accused persons namely Amirun Nisha and Md. Ajaj – mother-in-law and brother-in-law who are having similar allegations, are granted benefit of anticipatory bail by a coordinate Bench of this Court vide order dated 01.11.2021 passed in Criminal Misc. No. 55668 of 2021. He submits that the applicants are entitled for same treatment and they be granted bail.

The learned Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.

The first informant is Ajhar Hussain. His daughter Nusrat Khatoon was married to Md. Sarfaraj Alam, eight years prior to her death. It is averred in the FIR that the deceased was subjected to cruelty for an on account of demand of dowry and ultimately she died unnatural death on 28.06.2018. It is seen from record made available that the prosecution has not applied the provision of Section 302 of the Indian Penal Code. Other accused persons as stated hereinabove were granted anticipatory bail by a coordinate Bench of this Court. The applicants are women and they are sisters-in-law of the deceased. It is pleaded by the applicants that they were



residing separately having nothing to do with affairs with the deceased and others.

In this view of the matter, both applicants being women so also on the principle of parity, pretrial detention of the applicants are not warranted and hence, the order :-

i. The application is allowed.

ii. The applicants/accused in Crime No. 269 of 2018 registered with Saraiya (Jaitpur O.P.) Police Station for the offences punishable under Sections 341, 323, 304(B), 504 r/w Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) each on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.



(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellants/accused.

**(A. M. Badar, J)**

Bhardwaj/-

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