

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38732 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- MANJHAGARH District- Gopalganj

AFSHANA KHATOON Wife of Md. Alam Ansari Resident of Village -
Mahua Tola Dumariya, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Advocate
for the informant	:	Mr. Javed Aslam, Advocate
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 23.03.2021,
seeks regular bail in connection with Manjhagarh P.S. Case No.
92 of 2021, for the offence punishable under Sections 498(A)
and 304(B)/34 of the Indian Penal Code.

The allegation against the accused persons named in
the F.I.R., including the petitioner, is that all tortured and
assaulted and, thereafter, caused death of the victim due to non-
fulfillment of demand of dowry.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is sister-in-law of the deceased and she used to reside separately with the deceased. It is further submitted that there is no eye-witness of the occurrence and there is general and omnibus allegation levelled against the petitioner. It has further been submitted that similarly situated co-accused Nuresha Khatoon, who is mother-in-law of the deceased has already been released on bail on 30.09.2021 passed in Criminal Miscellaneous No. 38692 of 2021 as such the case of petitioner may be examined on the basis of parity.

Sri Javed Aslam, learned counsel appearing on behalf of informant submits that this is not a normal case, the petitioner and others tortured, both physically and mentally to the deceased, for want of Rs. Twenty Lakh, in dowry, which was received by the deceased after death of her husband, who was working in Dubai, and the said compensation amount of Rs. Twenty Lakh was released by the company in favour of deceased and as such the petitioner along with other have committed murder of the deceased Sahida Khatoon by strangulation her to death.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and supported the statement made by the counsel appearing on behalf of informant. He further submits



that from perusal of impugned order it appears that the Court below has considered paragraph No. 38 of the case diary wherein the cause of death has been given by the Doctor as “*In my opinion, death was due to asphyxia and shock due to strangulation*”. It has further been submitted that after investigation, the Chargesheet has already been submitted against the petitioner.

Having heard the rival submissions, perused the F.I.R. and the impugned order. There is no allegation of tampering with the evidence or influencing the witness, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 92 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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