

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34105 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- BASOPATTI District- Madhubani

1. TAHMINA KHATOON W/o- Md. Monath Ansari @ Monaf Ansari Resident of Village - Lauthwa, P.S.- Basopatti, Dist.- Madhubani.
2. Md. Monath Ansari @ Monaf Ansari S/o- Late Ajij Ansari Resident of Village - Lauthwa, P.S.- Basopatti, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, A.P.P.
	:	Mr. Ratanakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B, 302, and 34 of the Indian Penal Code.

The informant alleges that his daughter was married to Md. Sagir about 12 years back, out of the wedlock three children were born, for the last two years the accused persons including the petitioners started demanding Rs. 2 lacs by way of dowry, further, on 25.03.2022, the accused persons killed her daughter after assaulting by lathi and iron rod and the informant came to know about the occurrence on 26.03.2022.



Learned counsel submits that petitioners are persons with clean antecedent. Learned counsel further submits that from bare perusal of the allegations alleged in the FIR, it would manifest that the daughter of the informant was married with the son of the petitioners about 12 years back and out of the wedlock three children were born, it is also submitted that in between these 12 years, no case came to be instituted either at the instance of the deceased or her father which amply demonstrates that the relationship worked cordial, it is next submitted that it appears that on account of dispute between the husband and wife, the deceased out of anger committed suicide and the entire family members came to be implicated, it is next submitted that husband of the deceased has surrendered and is in custody since 19.11.2022 and the petitioners are father-in-law and mother-in-law of the deceased, it is also submitted that from perusal of the allegations as alleged, it would manifest that the demand of dowry is general and omnibus in nature, further, informant is not an eye-witness to the occurrence as such alleging that all the accused persons killed her by assaulting her does not appear probable.

Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the



petitioners but are not able to rebut the submissions of the learned counsel for the petitioners that husband of the deceased is in custody and that informant is not an eye-witness to the occurrence.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Basopatti P.S. Case No. 76 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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