

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40955 of 2022

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

1. MD. NASIM ANSARI S/o- Md. Monath Ansari @ Monaf Ansari Resident of Village - Lauthwa, P.S.- Basopatti, Dist.- Madhubani.
2. Fahim Ansari S/o- Md. Monath Ansari @ Monaf Ansari Resident of Village - Lauthwa, P.S.- Basopatti, Dist.- Madhubani.
3. Md. Savir Ansari S/o- Md. Monath Ansari @ Monaf Ansari Resident of Village - Lauthwa, P.S.- Basopatti, Dist.- Madhubani.
4. Mosarat Khatoon @ Musarat Khatoon W/o Fahim Ansari Resident of Village - Lauthwa, P.S.- Basopatti, Dist.- Madhubani.
5. Sabina Khatoon W/o- Jafir Ansari @ Md. Zafeer Ansari Resident of Village - Lauthwa, P.S.- Basopatti, Dist.- Madhubani.
6. Zailam Khatton W/o- Md. Vasim Ansari Resident of Village - Lauthwa, P.S.- Basopatti, Dist.- Madhubani.
7. Ruksana Khatoon W/o- Md. Nasim 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, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State. No one appears on behalf of the informant.

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

Learned counsel for the petitioners submits that



the petitioners are persons with clean antecedent and petitioner nos. 4 to 7 are women and the informant alleges that his daughter was married to Md. Sagir about 12 years back, out of the wedlock three children were born, further for the last 2 years the accused persons including the petitioners started demanding Rs. 2 lakh 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 for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the daughter of the informant was married with Md. Sagir 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 the informant which demonstrates that the relationship was 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 further submitted that husband of the deceased had surrendered and is in custody since 19.11.2022 and the petitioners are brother-in-law and sister-in-law of the deceased, it is further submitted that even the allegation of 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 does not appear probable.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners, but is not in a position to rebut the submission of learned counsel for the petitioners that informant is not an eye-witness to the occurrence and the marriage was 12 years old and no case came to be instituted in between these years and that father-in-law and mother-in-law of the deceased have been granted anticipatory bail by order dated 28.11.2022 in Cr. Misc. No. 34105 of 2022.

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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