

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57726 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- BAKHTIARPUR District- Saharsa

1. GULSHAN KHATOON W/o ABDUL KUDUS R/o VILLAGE-SAMASTIPUR, WARD No.3, P.S-SIMRI BAKHTIYARPUR, DISTRICT-SAHARSA.
2. REHANA KHATOON W/o MD. ASHRAF @ MD. QUASRAT R/o VILLAGE-SAMASTIPUR, WARD No.3, P.S-SIMRI BAKHTIYARPUR, DISTRICT-SAHARSA.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Ms. Rachana Saraswati, Advocate.
For the State	:	Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 20-01-2022 The applicants are women. Three years old girl child of the applicant no.2 is in jail with the applicants from 17.02.2021. Hence, the applicants are given out of turn hearing.

The applicants/accused in Crime No.239 of 2020 registered with Police Station-Simri Bakhtiyarpur for the offences punishable under Sections 328, 341, 323, 304(B), 302, 120(B) of the Indian Penal Code, by this application are seeking their release on bail during the pendency of the trial.

It is reported that ultimately by filing of the chargesheet, Section 304(B) of the Indian Penal Code is not invoked.

It is argued by the learned counsel appearing for the applicants that the applicant no.1 is the mother-in-law whereas the applicant no.2 is the sister-in-law of the deceased Tarannum Khatoon. It is



further argued that as seen from the Panchnama (Annexure-2) dated 05.02.2020, there was partition between two brothers viz. husband of the deceased Tarannum Khatoon as well as the husband of the applicant no.2 Rehana Khatoon. Both brothers were residing separately and therefore there was no question of ill treatment to the deceased by the applicants. It is further argued that there is no iota of evidence so far as the offence punishable under Section 302 of the Indian Penal Code is concerned.

The learned A.P.P. opposed the application by contending that there are specific accusations of assaulting the deceased by both the applicants apart from demanding dowry of Rs.10,00,000/- from her and consequent ill treatment to her.

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

Tarannum Khatoon (since deceased) married Md. Yunus Alam 17 years prior to her death occurring on 27.07.2020. Report of post-mortem examination of Tarannum Khatoon is not disclosing any cause of death. It was reserved till forensic examination of Viscera. The post-mortem report is not disclosing any external injury on the deceased. In the F.I.R. lodged by Husn Bano-mother of the deceased it is averred that the applicants as well as co-accused were assaulting Tarannaum Khatoon and her husband was having illicit relation with a lady from Delhi. They are demanding dowry of Rs.10,00,000/- and were subjecting the deceased to cruelty. It is further averred that on



27.07.2020, the applicants along with co-accused including husband had assaulted Tarannum Khatoon and had killed her. It is further alleged that the deceased was killed by administration of poison.

Both the applicants are females. The investigation of the crime in question is already over. Three years old female child of the applicant no.2 is with her in jail. The applicants are mother-in-law and sister-in-law of the deceased. It is seen that there was partition in the family and husband of the applicant no.2 was residing separately. Both the brothers were contributing for maintenance of the applicant no.1 Gulshan Khatoon as seen from the Panchnama. In this view of the matter, considering the peculiar circumstances of the case against the applicants, I see no reason to deny bail to them. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicants/accused in Crime No.239 of 2020 registered with Police Station-Simri Bakhtiyarpur for the offences punishable under Sections 328, 341, 323, 304(B), 302, 120(B) of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) and on furnishing surety of the like amount by each of them to the satisfaction of the trial court with the following conditions:

(I). The applicants should not extend any threat, promise or 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 should cooperate the trial in expeditious disposal of the trial against them.

(III). 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 applicants/accused.

(A. M. Badar, J)

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