

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7211 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- POTHIYA District- Kishanganj

1. KHILAFAT @ KHILAPAT Son of Late Chainuddin Resident of Village- Baghmara, P.S.- Pothia, Distt- Kishanganj
2. NURESHA KHATOON @ NURESHA @ NRUESA W/o Khilafat @ Khilapat Resident of Village- Baghmara, P.S.- Pothia, Distt- Kishanganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/ : Ms. Pushpa Sinha 1

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 02-03-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in connection with Pothia P.S. Case No. 78 of 2020, registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

The informant, Md. Hasirul, lodged this FIR stating therein that his sister, Rafiza Khatoon, was married to Md. Usman, six years prior to the lodging of the FIR. She passed some peaceful days in her matrimonial house but, thereafter, the hus-



band and other accused persons including the petitioners started inflicting atrocities on her due to non-fulfillment of dowry demand. A number of efforts were made to pacify the matter through *panchayati* but all in vain. In respect of atrocities a sanha was already lodged on 23.09.2014 in the Court of S.D.J.M., Kishanganj. It has been mentioned next that on 21.04.2020 at 4 a.m. the informant got an information that his sister had died. He along with some villagers rushed to her matrimonial house but no one was present in her house. The informant transmitted the information to the police station and thereafter the dead body was brought to the hospital for post-mortem. The doctors apprised the informant about the cause of death which was poisoning.

Learned counsel for the petitioners has submitted that petitioners are brother-in-law and sister-in-law of the deceased and they have no concern with the alleged occurrence.

On the other hand, learned APP has submitted that the FIR itself shows that prior to the occurrence the petitioners and other accused persons have inflicted atrocities on the deceased for non-fulfillment of demand of dowry.

During investigation it has come that prior to the occurrence the atrocities were inflicted upon the deceased for non-



fulfillment of dowry demand. As such, it is not a fit case for anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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