

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60588 of 2021

Arising Out of PS. Case No.-467 Year-2020 Thana- AKBARPUR District- Nawada

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1. KHURSHIDA BEGUM Wife of Late Kalamuddin Resident of Village - Makhdampur, P.S. - Akbarpur, District - Nawada.
 2. Md. Shikander @ Md. Sikandar Ali Son of Late Kalamuddin Resident of Village - Makhdampur, P.S. - Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Kanhaya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-08-2022 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 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 1 is aged about 65 years and his mother-in-law of the deceased and petitioner no. 2 is a young boy of 22 years and is the brother-in-law of the deceased.

Learned counsel submits that informant alleges that her daughter was married to Md. Rustam and after marriage the accused persons, including the petitioner, started torturing her for dowry, it is next alleged that about one month back informant gave



Rs. 30,000/- in cash and one gold ring of five lakh even then they continued their demand and to pressurise her daughter for bringing dowry, it is next alleged that on 22.08.2020, the son-in-law of the informant informed regarding the death of his wife, accordingly the informant reach the place of occurrence where she saw that her daughter is lying dead and she was strangled to death with the rope and the accused persons were absconded.

Learned counsel for the petitioner submits that petitioners have been falsely implicated in the present case, it is next submitted that the allegations are general and omnibus in nature with regard to demand of dowry, the learned counsel for the petitioner further draws the attention of the Court to the allegation as alleged in the FIR to submit that even what amount and what was being demanded by the petitioners, is not clear from the FIR, it is next submitted that the petitioners are residing separately in mess and property from her son and is staying with petitioner no. 2, the learned counsel for the petitioners next submits that the petitioners came to be implicated merely because they are related to the husband of the deceased, further it is also submitted that informant is not an eye-witness to the occurrence. The learned counsel for the petitioners next submits that if the accused persons would have committed the occurrence then definitely the husband of the deceased would not have called the informant disclosing



that her daughter has died rather the accused persons would have made effort to dispose of the dead body. The learned counsel for the petitioner next submits at the cost of repetition that from perusal of the allegations as alleged in the FIR, it would manifest that the allegations are general and omnibus in nature and the demand of dowry is also vague in its content.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 Akbarpur P.S. Case No. 467 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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