

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51923 of 2022

Arising Out of PS. Case No.-372 Year-2021 Thana- MANIYARI District- Muzaffarpur

1. Hamida Khatoon W/O Md. Rurad Resident of Village- Mohammadpur Mubarak, P.S- Maniyari, District- Muzaffarpur.
2. Md. Murad S/O Late Md. Rahman Resident of Village- Mohammadpur Mubarak, P.S- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ranjeet Kumar, learned counsel appearing on behalf of the petitioners and learned APP for the State through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Maniyari P.S. Case No. 372 of 2021 registered for the offences punishable under Section 304B/34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that the marriage of the



daughter of the informant was solemnized on 31.05.2021 with Md. Parvej, son of the petitioners. It is alleged that just after the marriage, the daughter of the informant was subjected to torture for demand of dowry and on non fulfillment of the same, she was killed by all the accused persons, including the petitioners.

Learned counsel appearing on behalf of the petitioners submits that from the FIR it is evident that information with regard to the death of the deceased was given to the informant on 21.10.2021 itself, however, the present FIR has been instituted on 05.11.2021 and no explanation for delay has been assigned. He next submits that in fact on receipt of the information with regard to the death of the deceased, the informant and other family members came to the *sasural* of the deceased and also participated in the last rituals, but later on, on account of some differences, the FIR has been instituted by implicating the name of all the family members, though there is no specific allegation of any overt act against the petitioners, who are father-in-law and mother-in-law, respectively. He further submits that the petitioners are living separately since long time and having no concern with the deceased and her husband. However, the husband of the deceased is already in judicial custody. He lastly submits that both the petitioners are



in custody since 25.04.2022 and now the investigation of the crime is complete and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are father-in-law and mother-in-law of the deceased and admittedly the informant and his family members have received information on 21.10.2021, but the FIR has been instituted on 05.11.2022, without assigning any explanation for delay and, moreover, there is no specific allegation against the petitioners, let the petitioners, named above, be released on 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 learned Chief Judicial Magistrate, Muzaffarpur in connection with Maniyari P.S. Case No. 372 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.



(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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