

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68097 of 2021

Arising Out of PS. Case No.-68 Year-2015 Thana- MAHUA District- Vaishali

1. MD. AKBAR S/o- Late Md. Kurban Resident of Village - Alipur Mukund, P.S. - Mahua, District - Vaishali.
2. Zahira Khatun W/o- Md. Masud Alam, D/o- Late Md. Kurban Resident of Village and P.O and P.S. - Desri, District - Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Prakritita Sharma, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 27-07-2022 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 Addl.P.P. Mr. J.N. Thakur for the State.

The petitioners apprehend their arrest in connection with Mahua P.S. Case No. 68 of 2015, registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

As per allegation, the marriage of the daughter of the informant was solemnized with petitioner No. 1 in the year 2005. After marriage his daughter went to her matrimonial house and gave birth to two children who are aged about 10 years and 7 years. The allegation against the accused persons is that they demanded dowry of rupees one lac cash and due to non-fulfillment of the demand they



tortured the victim mentally and physically. The informant came to know that the accused persons killed his daughter on 27.09.2014 and they disappeared her dead body.

Learned counsel for the petitioners has submitted that they are innocent. Petitioner No. 1 is the husband of the deceased and petitioner No. 2 is old sister of petitioner No. 1 and she is living in her matrimonial house and she has no concern with alleged occurrence. He has submitted further that the deceased died due to stomach pain. He has also submitted that when some land was transferred by the petitioner in favour of his children the informant compromised the case.

On the other hand, Mr. J.N. Thakur, learned APP has submitted that the FIR was lodged in the year 2014 and the petition has been filed after seven years i.e. in the year 2021 the trial hampered for a considerable period due to non-appearance of the petitioner.

Considering the above-mentioned facts and circumstances, Petitioner No. 1 does not deserve the privilege for anticipatory bail. Accordingly, his prayer for anticipatory bail is **rejected.**

The petitioner No. 1 is directed to appear before the court below and pray for regular bail.

So far as petitioner No. 2 is concerned, let her, in the event of her arrest or surrender within four weeks before the learned



court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Mahua P.S. Case No. 68 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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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