

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56735 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Rubana Kathoon, aged about 30 years (F) wife of Naushad Khan, resident of Village- Sikandrapur, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vikram Deo Singh, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-12-2022

The matter has been heard through Video Conferencing.

2. Heard Mr. Vikram Deo Singh, learned counsel for the petitioner and Mr. Rajendra Nath Jha, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner, being in custody, seeks bail in connection with Chainpur P.S. Case No. 155 of 2022 dated 06.07.2022, instituted under Sections 304(B)/34 of the Indian Penal Code.

4. The allegation against the petitioner, who is the wife of the brother of the husband of the deceased, is of being party to her death caused due to strangulation.

5. Learned counsel for the petitioner submitted that she has totally no connection with the family of the deceased as they



were living separately. Moreover, it was submitted that the deceased had committed suicide and only on the basis of ligature mark she has been made accused. Learned counsel submitted that the marriage took place on 15.06.2022 and the incident occurred on 06.07.2022, i.e., within less than one month, which itself falsifies the theory of demand of dowry. However, it was submitted that the police has forcibly taken a confessional statement of the petitioner also in which the only thing she has said is that there was demand of dowry and not with regard to having committed the offence. Moreover, it was submitted that no other ante-mortem injury has been found on the body of the victim and the husband is in custody. It was submitted that the petitioner, being a lady having no criminal antecedent, is in custody since 07.07.2022.

6. Learned APP submits that the entire family has conspired to strangle the victim for dowry.

7. Having considered the submissions of learned counsels for the parties and taking into account that death occurred less than a month after marriage and there being one ligature mark only, the Court is inclined to allow the prayer for bail.

8. Accordingly, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand)



with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IInd, Bhabua, Kaimur in Chainpur P.S. Case No. 155 of 2022, subject to the condition that one of the bailors shall be a close relative of the petitioner.

9. The application stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Ranjeet/Anjani

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