

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21901 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- THAKURGANJ District- Kishanganj

1. Zubeda Khaton @ Raveda Khatoon wife of Bachchu Village- Tabal Bhatta Ps- Kurli Court, Dist- Kishanganj
2. Rohit Alam @ Rohid Alam son of Bachchu Village- Tabal Bhatta Ps- Kurli Court, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, A.P.P.
For the informant	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 25-08-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 34, 120(B) and 498A of the Indian Penal Code.
3. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioners are mother-in-law and brother-in-law of the deceased, it is next submitted that the marriage was 10 years old and out of the wedlock two children were born and the deceased became pregnant for the third time and while she was carrying pregnancy of seven months some complications developed on



account of which she was taken to PHC for treatment but during the course of treatment she died, it is further submitted that the informant very wisely manipulated this part of the allegation in the FIR by alleging that it was informant who had taken her to PHC for treatment along with villagers but was declared dead on arrival, it is next submitted that in between these ten years no case ever came to be instituted either by deceased or the informant regarding torture or demand of dowry then why all of a sudden after two children were born and the deceased was pregnant for the third time the petitioners would have demanded dowry and would have assaulted brutally in the manner as being alleged in the FIR.

4. It is further submitted that it absolutely does not stand to reason that if what has been alleged in the FIR is true then why the informant did not take the deceased for postmortem as he has alleged that he had taken his sister on an E-Rickshaw to PHC for treatment where she was declared dead on arrival, this amply demonstrates the falsity of the allegation.

5. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel for the petitioners that despite informant



being aware that his sister is no more and the dead body was with him, did not allow postmortem of the dead body and the marriage was ten years old.

6. 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 Thakurganj P.S. Case No. 192 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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