

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25122 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- JADOPUR District- Gopalganj

1. NOORJAHAN KHATOON @ NOORJAHAN Wife of Late Mukhtaar Miyan Resident of village - Jadopur, Balua Tola, P.S. - Jadopur, District - Gopalganj
2. Ajmeri Khatoon @ Soni Khatoon Daughter of Late Mukhtaar Miyan Resident of village - Jadopur, Balua Tola, P.S. - Jadopur, District - Gopalganj
3. Noortara Khatoon Daughter of Late Mukhtaar Miyan Resident of village - Jadopur, Balua Tola, P.S. - Jadopur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-01-2023 Heard Mr. Sanjeev Kumar, learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Jadopur P.S. Case No. 198 of 2021 for the offence registered under Sections 304(B) and 34 of the Indian Penal Code.

As per the prosecution story, the informant submitted written report alleging that her daughter was married with one Kaushar Alam and at the time of marriage dowry was given. Later, a four wheeler was demanded, in between, the couple was also blessed with a female child. The allegation is that a day



before she was beaten by her in-laws on 17.12.2021, when she send her son he was also abused and later on 20.12.2021, they got information from the police regarding the death of her daughter due to hanging. Accordingly, the FIR.

Learned counsel for the petitioners with the help of the averment made in the petition stated that the lady was not happy because her husband was out of the country for his livelihood, was in depression and which may have led her taking extreme steps of committing suicide. The further submission is that while the petitioner no. 1 is the mother-in-law, the petitioner no.2 and petitioner no. 3 are married sisters-in-law (Nanad) residing in Uttarakhand with husband/in-laws and had nothing to do with the alleged occurrence.

Further, the attention of this Court was taken to the Inquest Report which is part of the FIR to show that the police was called by the in-laws and they broke open the door and found the girl hanging with a fan which shows their *bona fide*.

Learned APP for the State submits that if it is a case of suicide, the family members cannot exonerate themselves from the responsibility.

Taking into account the fact that all the petitioners are ladies, the petitioner no. 1 is an aged mother-in-law, the other



petitioners are married sisters-in-law (Nanad), as per the FIR, the lady committed suicide, criminal case has already been lodged and ultimately they will have to face the trial, if cognizance is/are taken against them, this Court is inclined to extend them benefit of anticipatory bail with certain conditions:

(i) the petitioners shall co-operate in the investigation and made themselves available to the police as and when required;

(ii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Jadopur P.S. Case No.



198 of 2021 subject to condition as laid down under Section
438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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