

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27676 of 2023

Arising Out of PS. Case No.-490 Year-2022 Thana- RAXAUL District- East Champaran

1. Wakil Ansari @ Wakil Ansari, Son of Aliraj Ansari @ Aliraj Miyan, Resident of Village- Tumariya Tola, Ward No. 4, P.S.- Raxaul (Haraiya O.P.), Distt- East Champaran
2. Sahim Ansari, Son of Wakil Ansari @ Wakil Ansari, Resident of Village- Tumariya Tola, Ward No. 4, P.S.- Raxaul (Haraiya O.P.), Distt- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Satyendra Kumar Jha, Advocate Mr. Kumar Shubham, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Raxaul (Haraiya O.P.) P.S. Case No. 490 of 2022 registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. Petitioner No. 1 has got one criminal antecedent whereas petitioner no. 2 has got no criminal antecedent.

As per the prosecution story, the informant's daughter Ruksana Khatoon got married with Abbas Ansari in the year 2010 and after marriage, Abbas Ansari along with his family members started torturing the informant's daughter for fulfilling the demand



of a motorcycle and Rs.2,00,000/- cash as dowry. On 17.10.2022 at about 04:00 A.M., when the informant reached her daughter's matrimonial house, she found her daughter dead and her two children crying there. It is further alleged that her daughter was killed by assaulting her with iron, brick, stone etc. on her head.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that the petitioner no. 2 is the younger brother of the husband of the deceased aged about 18 years who has no concern with the occurrence.

Learned APP for the State has opposed the anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, on noticing that the deceased had earlier lodged Raxaul (Haraiya) P.S. Case No. 482 of 2019 against her in-laws alleging demand of dowry and that the mother-in-law has been granted regular bail in the present case, this Court while rejecting the prayer for anticipatory bail of the petitioner no. 1 directs that, in case, he surrenders and prays for regular bail within a period of four weeks from today, his prayer shall be considered keeping in view the principle of parity in the light of the order passed in case of the mother-in-law.

So far as petitioner no. 2 is concerned, he is the younger



brother of the husband of the deceased, a young boy of 18 years and even learned counsel for the informant in course of his submissions has not seriously contested against him, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner no. 2 shall be released on bail in connection with Raxaul P.S. Case No. 490 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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