

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34608 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- HUSSAINGANJ District- Siwan

DARUDAN KHATUN, W/O LATE UMAR ALI MIYA, R/O Village-
Machakana Purab Tola, P.S.-Husainganj, Dist.-Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending her arrest in
connection with Hussainganj P.S. Case No. 05 of 2023
registered for offence under Sections 304B, 302 and 34 of
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The petitioner is mother-in-law of the victim
who as per the informant's case was found killed when the
informant reached her matrimonial home. As per the FIR, the
petitioner's family had sent intimation to the informant about
the victim being ill prior to their arrival.

4. It is submitted by learned counsel for the
petitioner that from the FIR, petitioner's *bona fide* is evident
since it is alleged that the accused side had intimated the



informant about the daughter being ill. In fact, the petitioner who is the mother-in-law has no concern with the affairs of victim with her husband and by virtue of her relationship, she has been implicated in this case. The husband of the victim is already in custody. The petitioner has clean antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, petitioner's relationship and clean antecedents, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Siwan, in connection with Hussainganj P.S. Case No. 05 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will



give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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