

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46226 of 2023

Arising Out of PS. Case No.-179 Year-2021 Thana- BHAWANIPUR District- Purnia

1. Md. Irafan Son Of Late Md. Mursid
 2. Monika Khatoon @ Momina Khatoon Wife Of Md. Irafan
 3. Md. Rustam Son Of Md. Irafan
 4. Md. Dildar & Md. Dilsad Son Of Md. Irafan
 5. Md. Idarish Son Of Late Md. Mursid
 6. Julekha Khatoon Wife Of Md. Idarish
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-10-2023 Heard Mr.Raj Kumar, learned counsel for the

petitioners and Mrs.Dr. Indihar Kumari, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhawanipur P.S.Case No.179 of 2021, FIR dated 20.09.2021 registered for the offences punishable under Sections 498A, 341,323,304-B,504,506/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they alongwith other co-accused persons have in furtherance of their



common intention committed the dowry death of the daughter of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are inlaws of the deceased. Further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners, no allegation of any assault or overt-act is attributed against the petitioners. Further submits that the police, after investigation, submitted final form in favour of the petitioners on 18.11.2022 and learned S.D.J.M., Purnea differing with the final form has taken cognizance against the petitioners vide order dated on 14.03.2023 and the husband of the deceased, namely, Md. Tanveer, is already in judicial custody since 27.11.2021.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that it appears from the FIR itself that there is no accusation of any assault or overt-act attributed against both the petitioners.

6. Considering the aforesaid facts, let the petitioners,



above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Purnea in connection with Bhawanipur P.S. Case No.179 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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