

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45080 of 2022

Arising Out of PS. Case No.-210 Year-2022 Thana- CHOUTARWA District- West
Champaran

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1. IBRAHIM MIYAN @ MD. IBRAHIM Son of Late Habib Miyan Resident of village - Pahadi Majhaua, P.S. - Choutarawa, District - West Champaran.
 2. Hasbun Khatoon Wife of Ibrahim Miyan Resident of village - Pahadi Majhaua, P.S. - Choutarawa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-02-2023 Heard learned counsel for the petitioner and the State.

The petitioners apprehend their arrest in connection with Choutarwa P.S. Case No. 210 of 2022 instituted under Sections 304(B), 120B, 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that his daughter was married in 2021 but was regularly tortured for dowry and on the fateful day, on the instruction of her husband, the family members killed his daughter and took away the child. As he reached the house, he found the in-laws escaping from their house. He later found the dead body of his daughter and lodged the FIR.

Learned counsel for the petitioner submits that they are



aged couple and the husband is in jail and as such, they deserve relief.

Learned APP on the other hand submits that the accused persons present herein cannot be exonerated as the husband was away and he was instructing from phone and the family inmates caused the killing of the lady.

Taking into account the facts and circumstances of the case, so far as the petitioner No. 1, father-in-law is concerned, considering the gravity of the matter, this Court is not inclined to extend him privilege of anticipatory bail which is accordingly rejected.

So far as the petitioner No. 2, Hasbun Khatoon is concerned, considering the fact that she is a lady, has no criminal antecedent, FIR lodged and ultimately she will face the trial, this Court is inclined to extend her privilege of anticipatory

Let the petitioner No. 2, Hasbun Khatoon be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Choutarwa P.S. Case No. 210 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bagaha, West



Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner 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 her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner 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 the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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