

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46722 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- GARHI District- Jamui

1. Md. Mustkim Ansari @ Md Mustkim @ Mustkim Mian Son Of Janif Mian.
2. Mehnaj Khatoon Wife Of Md. Mustkim Ansari @ Md. Mustkim @ Mustkim Mian.

Both are Resident Of Village - Arunmabank, Police Station - Garhi,
District-Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mala Sinha, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Garhi P.S. Case No.09 of 2023, F.I.R. dated 13.02.2023 registered for the offence punishable under Sections 304(B), 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the marriage of the daughter of the informant solemnized with Rizwan Ansari as per the muslim rites and custom on 15.11.2022. Further, the husband of his daughter Rizban Ansari and her father-in-law Mustkim and Grand father-in-law Janif Mian, mother-in-law Mchnaj Khatoon, Brother-in-law Monu Ansari have started tortured her daughter for dowry and forced her to bring two lakh



rupees from her parents. When she expressed her inability then the above named accused persons started abusing and tortured her for the same. The informant has received the information by the villagers that her daughter has murder by strangulation. On receiving the said information the informant and her family members go there and found the dead body of her daughter lying and the accused persons run away from there. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioner no.1 has carry one criminal case and petitioner no.2 has clean antecedent and they have falsely been implicated in the present case merely on the ground that they are in-laws of the deceased. He further submits that from perusal of the FIR that there is no accusation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including these petitioners and the police after investigation submitted charge sheet under Section 306/34 of the Indian Penal Code and husband of the deceased, namely, Rizwan Ansari is in judicial custody since 05.06.2023.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of 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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Jamui in connection with Garhi P.S. Case No.09 of 2023, 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 their anticipatory 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 anticipatory 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)

Prakash Narayan

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