

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62878 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- JOGBANI District- Araria

1. Rahmani Khatun @ Rahimani Khatun W/O Late Md. Rajjak Village Fena Belahi Ward No 11 P S Jogbani (BATHNAHA) Distt Araria
2. Kadir Miyan @ Kadir Son Of Asir Miyan Village Fena Belahi Ward No 11 P S Jogbani (BATHNAHA) Distt Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioner no. 1 happens to be mother-in-law whereas petitioner no. 2 is maternal uncle-in-law of the deceased, who apprehend their arrest in connection with Jogbani (Bathnaha) P.S. Case No. 88 of 2023, registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

3. Allegedly, the marriage of the son of petitioner no. 1 along with the deceased was solemnized 12 years ago according to Muslim rites, however, soon after the marriage she



was subjected to demand of dowry. The dispute was settled on several occasions but his son-in-law and his mother did not get ready. It is specifically alleged that all the FIR named accused persons and 15-20 unknown persons brutally assaulted and caused the death of the deceased on account of non fulfillment of demand.

4. It is submitted on behalf of the petitioners that admittedly the marriage was solemnized 12 years ago and as such any demand of dowry at this stage appears to be wholly doubtful. That apart, the deceased was living separately along with her husband and children and the petitioners had no concern with the affairs of them. There is no eye witness to the alleged occurrence and only on account of some family feud and on suspicion, the names of all the family members have been implicated. He next submitted that though the allegation of assault has been levelled against all the family members along with 15-20 unknown persons but the injury report does not corroborate the allegation. He lastly submits that both the petitioners are persons of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State



opposes the bail application and submits that during autopsy of the dead body of the deceased, single blackish brown ligature mark on anterior upper neck has been found and the cause of death is said to be asphyxia as a result of hanging.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the marriage was solemnized 12 years ago and the petitioners are mother-in-law and maternal uncle-in-law of the deceased, who have least concern with the affairs of the deceased and her husband, the autopsy report also does not corroborate the allegation, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-V, Araria in connection with Jogbani (Bathnaha) P.S. Case No. 88 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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