

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59903 of 2022

Arising Out of PS. Case No.-496 Year-2022 Thana- BAGHA District- West Champaran

1. MARIYAM NESHA D/O SARFUDDIN ANSARI Resident of village- Rahman Nagar, Ward No- 34, P.S.- Bagaha, District- West Champaran.
2. SAJID ANSARI S/O SARFUDDIN ANSARI Resident of village- Rahman Nagar, Ward No- 34, P.S.- Bagaha, District- West Champaran.
3. AYASHA KHATOON @ AAYESHA KHATOON W/O SARFUDDIN ANSARI Resident of village- Rahman Nagar, Ward No- 34, P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vijay Kr Singh No 1, Advocate
For the Opposite Party/s : Mr Abhay Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners seek bail in Bagaha Police Station (for brevity, **PS**) Case No 496 of 2022 registered for the offence punishable under Sections 304B/34 of Indian Penal Code.

Within four months of marriage of the informant's daughter, she has been done to death at her matrimonial home, as per the allegation.

It is submitted by the petitioners' counsel that petitioner No 1 is unmarried sister-in-law, petitioner No 2 is unmarried brother-in-law and petitioner No 3 is the mother-in-law of the victim. Submission is that the husband of the victim is already in custody. In fact, the victim, along with her husband, was separated from the petitioners and other family members. The responsibility of the



victim, if at all, lies on the husband. Petitioners are in custody since 16.07.2022 and investigation is complete. They have no antecedents.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, relationship and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Bagaha, West Champaran in Bagaha PS Case No 496 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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