

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73732 of 2023

Arising Out of PS. Case No.-408 Year-2023 Thana- HARSIDHI District- East Champaran

1. Hasina Khatoon, W/o Manjur Miya, R/o Village- Matiyariya, P.S. Harsidhi, District- East Champaran.
2. Manjur Miya, S/o Late Nathuni Miya, R/o Village- Matiyariya, P.S. Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate Ms. Rashmi Jha, Advocate Mr. Sharad Kumar Verma, Advocate Mr. Sagar Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-11-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Harsidhi P.S. Case no. 408 of 2023, registered under sections 304B, 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant was married to the son of the petitioners. She was abused and tortured for non-fulfillment of the demand of dowry to the tune of Rs.2 lacs and was finally done to death.

4. Learned counsel for the petitioners submits that the petitioners, who happen to be the mother-in-law and father-in-



law of the deceased, have been falsely implicated in the case. The postmortem report does not support the prosecution case wherein the cause of death is said to be asphyxia due to hanging. The petitioners are in custody since 23.6.2023 and 22.6.2023 respectively. The petitioners have no criminal antecedent and undertake to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R, the contents of the petition, the petitioners having remained in custody for about 5 months since 23.6.2023 and 22.6.2023 respectively and charge-sheet having been submitted in the case, both the petitioners are directed to be enlarged on bail in connection with Harsidhi P.S. Case no. 408 of 2023, on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari on the following conditions:

(I) The petitioners shall remain properly represented in the trial court on each date of the case/trial and shall cooperate in the trial.



(II) In case, the petitioners are not properly represented or do not cooperate and the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioners, the learned trial Court may cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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