

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78129 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- MAHILA PS District- Darbhanga

Salma Khatoon W/O Md. Gulab @ Gulab Nadaf, D/O Md. Majlis @ Majalis Nadaf Village- Majhauta, Ps. Alinagar, Dist. Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Phuliya Khatoon W/O Md. Gulab @ Gulab Nadaf Village- Chhotki Daing, Ps. Baheri, Dist. Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 498(A), 494, 323/34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

3. Allegation against the petitioner is of torturing the informant due to non-fulfillment of demand of dowry. It is further alleged that accused persons including petitioner tried to kill the informant by means of knife and accused persons solemnized second marriage of informant's husband (Md. Gulab) with Salma Khatoon. It is further alleged that on 22.12.2022 accused Md. Gulab and Salma Khatoon pressed the neck of the informant due to which she became breathless and due to intervention of passerby she could be saved.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioner is quite



innocent and has been falsely implicated in this case. Petitioner is second wife of the co-accused Md. Gulab, so, she has been named in the present case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Mahila P.S. Case No. 85 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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