

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8366 of 2024**

Arising Out of PS. Case No.-393 Year-2023 Thana- JOKIHAT District- Araria

1. MUKHTAR S/O- LATE ZABUL R/O- VILLAGE- DHANPURA BAGULA TOLI, P.S.- JOKIHAT, DIST.- AARIA.
2. HUSNA ARA W/O- MUKHTAR R/O- VILLAGE- DHANPURA BAGULA TOLI, P.S.- JOKIHAT, DIST.- AARIA.
3. RABBAN @ MD. RABBAN S/O- MUKHTAR R/O- VILLAGE- DHANPURA BAGULA TOLI, P.S.- JOKIHAT, DIST.- AARIA.
4. SADDAM @ MD. SADDAM S/O- MUKHTAR R/O- VILLAGE- DHANPURA BAGULA TOLI, P.S.- JOKIHAT, DIST.- AARIA.
5. MAHTAB @ MD. MAHTAB S/O- RAKIB R/O- VILLAGE- DHANPURA BAGULA TOLI, P.S.- JOKIHAT, DIST.- AARIA.
6. MUSHFIK S/O- AKHTAR R/O- VILLAGE- DHANPURA BAGULA TOLI, P.S.- JOKIHAT, DIST.- AARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate  
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      21-03-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners apprehend their arrest in connection with Jokihat P.S. Case No. 393 of 2023 registered under Sections 304(B)/34 of the Indian Penal Code lodged on 25.08.2023 by the informant, Sarif.

3. As per the prosecution story, the informant has alleged that the lady was married to one Sakoor but was tortured



for dowry and on the fateful day, the information came about assault made on her and as the informant reached the in-laws house, he was dead. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are family members *inasmuch* as the father-in-law, mother-in-law and brothers-in-law (*Bhaisur*), Dewar living separately and the last submission is that the husband is in custody (as stated in paragraph-10 of the petition.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the allegation of dowry death is against the accused persons.

6. Taking into account the submissions put forward by the parties as also the fact that the husband is in custody, they are family members and do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 393 of 2023, subject to condition as laid down under Section 438(2)



of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Jagdish/-

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