

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15910 of 2024

Arising Out of PS. Case No.-669 Year-2020 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Munni Khatoon Wife of Musa Mansoori @ Md. Mustafa Mansuri Resident of Village- Mohalla Chik toli, Jagdishpur, Police Station- Jagdishpur, District- Bhojpur
 2. Inddu Mansoori @ Inddu Mansoori Son of Musa Mansoori @ Md. Mustafa Mansuri Resident of Village- Mohalla Chik toli, Jagdishpur, Police Station- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sairoun Nisha Wife of Juman Miyan R/o Village- Marha, Post Office- Sinha, P.S.- Krishnagarh, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-03-2024 Heard Mr. Ashok Kumar Singh, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioner no. 1 happens to be mother-in-law, whereas, the petitioner no. 2 is brother-in-law of the deceased, who are apprehending their arrest in connection with Complaint Case No. 669 (C) of 2020, wherein, cognizance has been taken for the offence under Sections 304 (B), 498 (A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegedly, the marriage of the deceased was solemnized with the son of the petitioner no. 1 on 26.06.2019,



however, on account of non fulfillment of demand of dowry, she was subjected to torture in various ways and ultimately ousted from her matrimonial home. On account of the aforesaid reason, initially the complaint case No. 669(C) of 2020 was filed for the alleged offence under Section 498 (A) of the IPC and Section 3/4 of the Dowry Prohibition Act and subsequently, after the death of the original complainant Section 304 (B) of the IPC was added.

4. From the reading of the solemn affirmation of the complainant (deceased), *prima facie*, it appears that specific allegation has been levelled against the husband, however, subsequently during the pendency of the complaint, the complainant died and thus cognizance has been taken for the offences under the aforementioned sections. Further submission has been made that both the petitioners have been residing separately and they have no concern with the affairs of the deceased and her husband. Lastly, it is submitted that so far the husband is concerned, he is already behind the bar and the other accused persons have been allowed on the privilege of regular bail, as they were arrested by the police.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.



6. Regard being had to the submissions made on behalf of the parties and considering the solemn affirmation of the complainant, who subsequently died made specific allegation of torture and cruelty against the husband, let the petitioners above named 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 Sub Divisional Judicial Magistrate, Bhojpur at Arrah in connection with Complaint Case No. 669 (C) of 2020, 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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