

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33256 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- BIRAUL District- Darbhanga

Nusarat Ara Wife Of Late Abdul Samad Resident Of Village - Sekhpura, P.S. -
Biraul, District - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2024 Heard Mr.Subhash Kumar Jha, learned counsel for

the petitioner and Mr.Ram Bilash Roy Raman, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Biraul P.S.Case No.415 of 2023, G.R.No.788 of
2023, FIR dated 22.08.2023 registered for the offences
punishable under Sections 304(B)/34 of IPC.

3. According to prosecution case, petitioner alongwith
other accused persons have committed the dowry death of the
daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has falsely been
implicated in the present case merely on the ground that the



petitioner is mother-in-law of the deceased. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 02.06.2023 but the present FIR has been instituted on 22.08.2023 after delay of more than two months and in fact the deceased has died in Lok Nayak Hospital, New Delhi during her treatment and Hospital has issued a death certificate and cause of death as mentioned in the certificate is *acute Gastroenteritis/Metabolic Acidosis/Sepsis/Shock* and the present FIR has been instituted only to harass the petitioner and her family members.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Biroul, Darbhanga in connection with Biraul P.S.Case No.415 of 2023,



G.R.No.788 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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