

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38852 of 2024

Arising Out of PS. Case No.-126 Year-2022 Thana- KEWATI District- Darbhanga

Wahida Khatoon @ Guriya Daughter of Md. Rahman W/o Mohammad Rabbani, R/o village - Barhi, P.S.- Keoti, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baidyanath Prasad, Advocate
For the Informant	:	Mr. Saurav Anand, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Baidyanath Prasad, learned counsel for the petitioner, Mr. Saurav Anand, learned counsel appearing on behalf of the Informant and Mr. Rajendra Prasad Nat, learned APP for the State.

2. The petitioner is apprehending her arrest connection with Keoti P.S. Case No. 126 of 2022, F.I.R. dated 05.05.2022 registered for the offences punishable under Section 304(B) of the Indian Penal Code.

3. Allegation against the petitioner is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the police after investigation submitted chargesheet under Sections 498(A), 304(B), 306, 34 of the Indian Penal Code and not sent up the petitioner for trial by the prosecution and the learned Court below differing the report of the Investigating Officer issued the summons against the petitioner vide order dated 28.02.2023. He further submits that the petitioner is sister-in-law of the deceased and she is living separately from the family members of the deceased and she has no concern with the family affairs of the deceased. He further submits that similarly situated co-accused person namely Rahmati Begum @ Rahmat Khatoon has been granted the privilege of anticipatory bail by this Court vide order dated 04.10.2023 passed in Cr. Misc. No. 10287 of 2023.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and learned counsel for the informant submits that process 82 Cr. P.C. has been issued by the concerned Court but he is not in a position to say this Court that on which date process 82 Cr. P.C. has been issued by the learned Court below.

6. Considering the facts and circumstances of the



case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga in connection with Keoti P.S. Case No. 126 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

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

(3) 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 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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