

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39314 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- BIBHUTIPUR District- Samastipur

1. Tabbasum Praveen @ Tabbasum Wife Of Khursid, Resident Of Village - Damodarpur, Police Station - Bibhutipur, District - Samastipur.
2. Nasima Vegam @ Nasima Bibi @ Nasima Begam Wife Of Md. Rahmat, Resident Of Village - Damodarpur, Police Station - Bibhutipur, District - Samastipur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Bipin Kumar, Advocate
For the Informant	:	Mr. Saroj Kr. Sharma, Addvocate
		Mr. Vikasa Kumar, Advocate
		Mr. Anupam Bahadur, Advocate
For the Opposite Party	:	Mr. Ahmad Ali, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Bipin Kumar, the learned counsel for the petitioners, Mr. Saroj Kr. Sharma, the learned counsel appearing on behalf of the Informant and Mr. Ahmad Ali, the learned Additional Public Prosecutor for the State.

2. Petitioners seek regular bail, who are in custody since 09.03.2024, in connection with Bibhutipur P.S. Case No. 69 of 2024, FIR dated 07.03.2024, registered for the offences punishable under Sections 304(B), 120(B) and 34 of the Indian Penal Code.

3. According to the prosecution case, the daughter of informant was subjected to regular torture and abuse by her in-laws due to non-fulfillment of dowry demand. It is further



alleged that informant received information regarding the death of his daughter and he suspects that his daughter's in-laws have committed murder of his daughter due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that petitioner no. 1 is the sister-in-law and petitioner no. 2 is the mother-in-law of the deceased. He further submits that from bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt act is attributed against these petitioners, rather there is general and omnibus allegation against all the co-accused persons including these petitioners. He further submits that the informant is not the eyewitness of the alleged occurrence and merely on the basis of suspicion he has instituted the present FIR. He lastly submits that the police after investigation has submitted the charge sheet against the petitioners and the petitioners are in custody since 09.03.2024.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and



with a common intention they have murdered the daughter of the informant.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against them, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Samastipur, in connection with **Bibhutipur P.S. Case No. 69 of 2024**, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 learned trial Court shall verify the criminal antecedent of the petitioners and



in case at any stage it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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)

Shahnawaz/-

U		T	
---	--	---	--

