

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47550 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- NAGAR District- Vaishali

1. Sahina Khatun @ Sahana Khatun W/o Md. Sahid R/o vill - Purvi Nun Gola, ward no. 19, P.S. - Hajipur Town, Distt. - Viashali
2. Nazama Khatun W/o Late Fida Hussain @ Late Fidu Hussain R/o vill - Purvi Nun Gola, ward no. 19, P.S. - Hajipur Town, Distt. - Viashali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-08-2024 Heard learned counsel for the petitioners, learned APP

for the State as also learned counsel appearing on behalf of the

informant.

2. The petitioners apprehend their arrest in connection with Hajipur Town P.S. Case No. 27 of 2024 for the offence registered under Sections 304(B)/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submit that the petitioners are person with clean antecedent has falsely been implicated in the instant case. It is next submitted that the informant alleged that her daughter was married to Md. Jahid on 28.04.2023 and after marriage, her daughter was subjected to



cruelty and torture both mental and physical by the accused persons including the petitioners as they were demanding dowry of Rs. 2,00,000/-. Further, the informant was informed that his daughter was killed by the accused persons and accordingly, he went to the place of occurrence and found the dead body of his daughter.

4. Learned counsel for the petitioners submits that petitioners being sister-in-law (*gotni*) and mother-in-law came to be implicated in the instant case by the informant with general and omnibus allegation. It is also submitted that though it is alleged that the accused persons were demanding dowry and for non-fulfilment of the demand, her daughter was killed but then the allegation of demand of dowry and torture is ornamental in nature. It is also submitted that had the petitioners been involved in the occurrence, their efforts would have been to dispose of the dead body to conceal the evidence but then the dead body of the deceased was lying in the house and the post-mortem of the same was also done which recorded the cause of death as Asphyxia due to hanging. He further submits that the said pleading has been made at paragraph-12 of the anticipatory bail application. It is further submitted that whenever any dispute arises in between the husband and the wife, and an



occurrence of such nature, as alleged takes place in that event, the entire family members are implicated in a mechanical manner. It is also submitted that husband of the deceased is in custody and the informant is not the eye witness to the occurrence.

5. Learned APP appearing on behalf of the State opposes the prayer for bail and submits that though it has been submitted that the husband of the deceased is in custody but then the same is not pleaded in the anticipatory bail application.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, 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, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 27 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. However, the learned Trial Court before accepting the bail bond of the petitioner shall verify whether husband of the deceased is in custody or not and in that event, if it is found



that the husband of the deceased is not in custody, in that event,
the present anticipatory bail of the petitioner shall not be given
to the petitioner.

(Satyavrat Verma, J)

Jagdish/-

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

