

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46404 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- AANDAR District- Siwan

1. Guddi Khatoon Wife of Chunnu Sah Resident of Vill- Gaziapur, Bedaulia, P.S.- Andar, District- Siwan
2. Shahana Khatoon Wife of Zakir Sah Resident of Vill- Gaziapur, Bedaulia, P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate

Mr.Javed Aslam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Andar P.S. Case No. 11 of 2024, registered on 06.02.2024 for the offences under Section 304B/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with co-accused Samim Ahmad on 18.08.2022. She died in her matrimonial home on 04.02.2024 and the informant alleged that the petitioners and co-accused husband of the deceased killed her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in



this case. There could be no application of Section 304B of the Indian Penal Code in this case as there is no allegation of any demand of dowry prior to death or torture related to such demand. The petitioners are sisters-in-law of the co-accused husband of the deceased and their marriage has been solemnized 18 years and 17 years back, respectively and they have no concern with the daily family affair of the deceased and her co-accused husband. Even from the FIR it is apparent that the father-in-law of the deceased informed the informant about the death. Learned counsel further submits that during investigation it has come to the notice that the deceased committed suicide by hanging herself and no external injury was found on her body. The marriage of the deceased was solemnized against her wishes and she has been suffering from depression and in this condition committed suicide. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that there is specific allegation against the petitioners along with co-accused husband for causing dowry death of the daughter of the informant.

6. Having regard to the facts and circumstances



and submissions made on behalf of the parties and considering the doubtful and vague nature of allegation against the petitioners and further considering the possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Siwan/concerned court in connection with Andar P.S. Case No. 11 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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