

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49483 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

1. Sakila Khatoon W/o- Md. Jameer Nadaf R/O Village- Galma PS - Ghanshyampur Dist- Darbhanga
2. Md. Jameer Nadaf son of Late Suleman Nadaf R/O Village- Galma PS - Ghanshyampur Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushan Khatoon wife of Md. Shamim Nadaf R/O Village- Baur Po- Rasiyari PS - Ghanshyampur Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B), 498(A) and 201 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. The informant alleges that her daughter was married to Ramjani Yadav about one and half years back and after marriage the accused persons including the petitioners tortured her daughter for dowry. It is further alleged that on 31.05.2023 at 09:00 a.m. Shabnam Khatoon (victim) informed



her on mobile that accused persons brutally assaulted her and she will not survive, accordingly, the informant along with her husband came to village Galma where they were informed that her daughter was assaulted and thereafter was forcefully administered poison on account of which her daughter died on the way to Darbhanga where she was being taken for treatment and the dead body was found lying in an ambulance at village Punhad Kuri Tole, thereafter they came with a dead body at village Lagma where Sarpanch and Panch assured that the dispute would be resolved and got the dead body buried.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that altogether eighteen persons have been made accused in the instant FIR. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that as to what was being demanded by the accused persons by way of dowry from the victim/deceased. It is also submitted that the date of occurrence is 31.05.2023 and the complaint case came to be instituted on 27.09.2023 based on which the instant FIR came to be instituted on 04.01.2024. It is thus submitted that had the occurrence taken place in the



manner as alleged in that event the informant would have instantly instituted an FIR. It is further submitted that no doubt the daughter of the informant has died but whether the death is suicidal or homicidal is an aspect of investigation. It is next submitted based on instruction that the husband of the deceased shall surrender within a period of two weeks from today. It is also submitted that petitioners being the mother-in-law and father-in-law of the deceased have been implicated with general and omnibus allegation when informant is not an eyewitness to the occurrence. It is further submitted that no effort was made by the petitioners to conceal the evidence by disposing of the dead body but then it is submitted that the body was buried in presence of the villagers. It is, thus, submitted that had they been involved in the occurrence then effort would have been made to conceal the dead body. It is next submitted that yardstick for considering the anticipatory bail application of the petitioners and the husband of the deceased is definitely different.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in



the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ghanshyampur P.S. Case No. 06 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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