

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59383 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- SUGAULI District- East Champaran

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Anjum Ara Wife of Jakir Hussain Resident of Village- Shripur Basantpur,
P.S.- Sugauli, Distt.- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 304(B), 34 of the IPC in connection with Sugauli P.S. Case No.221 of 2024.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a women and the informant alleged that her daughter was married to Nasir Hussain on 05.02.2023, further after marriage the accused persons including the petitioner started demanding rupees one lakh for starting a business along with a bullet motorcycle and on account of non-fulfillment of the demand the victim was assaulted by the accused persons including the petitioner, further the accused persons threatened the father of the victim that if



demand is not met the victim would be killed by strangulation, further on 13.05.2024 informant was informed that her daughter has been killed, hence went to the place of occurrence and saw the dead body of her daughter who was strangled to death.

4. The learned counsel submits petitioner has been falsely implicated in the instant case by the informant being step mother-in-law of the deceased. It is further submitted that petitioner was married to the father of Nasir and is his second wife and on account of dispute with the first wife of the father of Nasir the petitioner mostly resided at her parental home. It is next submitted that though in the FIR the informant has alleged against the petitioner, but then the allegation against her is general, omnibus and ornamental in nature. It is further submitted that had the petitioner been involved in the occurrence then effort would have been made to conceal the evidence by disposing of the dead body, but then the dead body was sent for postmortem which amply demonstrates that the petitioner came to be implicated in the instant case by the informant based on suspicion when informant is not even an eyewitness to the occurrence.

5. The learned APP vehemently opposes the anticipatory bail application and submits that though it has been



submitted that informant is not an eyewitness to the occurrence and the allegation of demand of dowry and torture is general and omnibus in nature and that petitioner was not staying in the house with her husband on account of torture being meted out to her by the first wife of the father of Nasir, but then it is submitted that from perusal of the allegation as alleged in the FIR, the informant has implicated only one women and that is the petitioner. It is also submitted that the death also occurred within an year of the marriage. It is next submitted that investigation in the case is still continuing and if the privilege of anticipatory bail is granted to the petitioner the petitioner may abscond on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove her innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, East Champaran, Motihari in connection with Sugauli



P.S. Case No.221 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C with a further condition that one of the bailor of the petitioner shall be his sister Modina Khatoon.

7. It is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or not presenting herself as and when required, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

8. It is further made clear that in the event if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect to.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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