

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38911 of 2024

Arising Out of PS. Case No.-280 Year-2022 Thana- BHAGWAN BAZAR District- Saran

1. Rajiya Khatoon wife of Late Abu Zafar
2. Nadeem Akhtar son of Late Abu Zafar
Both R/o Village- Nai Bazar, Madarsa Road, P.S-Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62409 of 2024

Arising Out of PS. Case No.-280 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Md. Nayeem Akhtar @ Nayeem Akhtar, S/o Late Abu Zafar, R/o Village-Nai Bazar, Madarsa Road, P.S.- Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38911 of 2024)

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 62409 of 2024)

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 17-12-2024 A supplementary affidavit has been filed on behalf of the petitioners of Cr. Misc. No.38911 of 2024 for correction of their address in the cause title.

2. Office is directed to make necessary correction of the address of the aforesaid petitioners in cause title in the light of averment made in para 3 of the supplementary affidavit.

3. Since both the petitions arise out of Bhagwan Bazar P.S. Case No. 280 of 2022, as such, they have been taken up



together and are being disposed of by this common order.

4. Heard learned counsel for the petitioners and learned APP for the State.

5. In the present case, the petitioners are apprehending their arrest in connection with Bhagwan Bazar P.S. Case No. 280 of 2022 for the offences under Sections 304(B) and 120 (B) of the Indian Penal Code.

6. As per prosecution case, the petitioners and co-accused caused dowry death of the sister of the informant.

7. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The petitioners are mother-in-law, brother-in-law and the husband of the deceased, respectively. There has never been any demand of dowry. The petitioner-husband used to work in Gulf Country and the deceased has been putting pressure on her husband to take her with himself to his workplace. But due to Visa and Passport issues, the petitioner-husband was not able to take away his wife at his workplace and for this reason, the wife committed suicide. There has been no demand of any dowry or any harassment on this account. The petitioners never taunted or tortured the deceased for anything. The sister of the informant committed suicide and the informant and his villagers went and



participated in the last rites. The post mortem report was also prepared, which shows death was caused due to hanging. Even inquest report shows the death was caused due to hanging. The learned counsel further submits that during investigation, the informant himself as well as his uncle and independent witnesses stated about the sister of the informant committing suicide and the informant has made statement before the police that he instituted the case on the basis of wrong information and directions of other persons. The independent witnesses also stated that the sister of the information committed suicide. The learned counsel further submits that no ingredient of Section 304 B IPC is present in this case. The petitioners are having clean antecedent.

8. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that there is specific allegation against the petitioners for causing dowry death of the sister of the informant. However, learned APP concedes that during investigation, it has come that there has been no dowry demand or torture or harassment of the deceased and it has also come during investigation that the deceased committed suicide.

9. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the doubtful 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 Additional Chief Judicial Magistrate-1, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 280 of 2022, 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)

V.K.Pandey/-

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