

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63533 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- BAIRIYA District- West Champaran

Shahnaz Khatoon W/o Faiyaz Khan, R/o village - Tilangahi Miyapur, P.S. -
Bairiya, Distt. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Sanjeev Kumar, the learned counsel for
the petitioner and Mr. Nirmal Kumar Sinha, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Bairiya PS Case No. 104 of 2023, FIR dated
01.05.2023, registered for the offence punishable under Section
304(B) read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the informant's
grand-daughter was abused and tortured in her matrimonial home
due to non-fulfillment of dowry demand and was later murdered
for the same reason.

4. Learned counsel for the petitioner submits that
petitioner is a fifty-five year old lady and she is the mother-in-law
of the deceased. He further submits that upon perusal of the FIR, it
appears that there is general and omnibus allegations against all



the accused persons including the petitioner and there is no specific allegation of any assault of overt act attributed against the petitioner, rather there is allegation that the petitioner along with her son has committed the crime in question and the son of the petitioner happens to be the husband of the deceased and he is in judicial custody since 03.07.2023.

5. The learned counsel for the informant as well as the Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against this petitioner that she along with her son has committed the crime in question.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the allegations attributed against her are general and omnibus in nature, let the petitioner, above-named, in the event of her arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, where the case is pending in connection with **Bairiya PS Case No. 104 of 2023**, subject to the conditions as laid down under Section



438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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