

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73792 of 2023**

Arising Out of PS. Case No.-357 Year-2022 Thana- BALIYA District- Begusarai

1. Nasima Khatoon W/O Md. Mokhtar Ali @ Md. Mokhtar R/O Vill - Gachhi Tola, P.S. - Fulwaria, Distt. - Begusarai
2. Md. Shamim @ Md. Shamim Uddin Son Of Md. Idris R/O Vill - Chhoti Ballia, Uper Tola, P.S. - Ballia, Distt. - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      29-02-2024                      Heard Mr. Shubhesh Pandey, learned counsel for the petitioners and Ms. Nirmala Kumari, learned Additional Public Prosecutor for the State.

2. After some argument, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no. 2, namely, Md. Shamim @ Md. Shamim Uddin.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 2.

5. The petitioner no. 1, namely, Nasima Khatoon is apprehending her arrest in connection with Ballia P.S. Case No. 357 of 2022, F.I.R. dated 14.12.2022 for the offences punishable under Sections 304B/34 of the Indian Penal Code.



6. According to prosecution case, all the accused persons including the petitioner have tortured the sister of the informant due to which she died for the sole reason of non-fulfillment of demand of dowry

7. Learned counsel for the petitioners submits that petitioner no. 1 has clean antecedent and she has falsely been implicated in the present case merely on the ground that she is sister-in-law of the deceased. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the date of occurrence as alleged in the F.I.R is 13.10.2010 but the present F.I.R has been instituted on 14.12.2022.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances, let the petitioner no. 1, namely, Nasima Khatoon, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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, Begusarai in connection with Ballia P.S. Case No. 357 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 his absence on two consecutive dates without sufficient reason, his 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 his 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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