

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85823 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- MATIYARIA District- West Champaran

Ajarun Khatoon @ Ajarul Khatoon Wife of Late Mir Hasan Miyan @ Late Mir Asan Miyan Resident of Village - Hauda Dumra, P.S. - Matiyariya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Matiyariya P.S. Case No. 94 of 2024 registered for the offences punishable under Sections 80(2), 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. All the F.I.R. named accused persons including this petitioner, on non-fulfillment of demand of dowry, in furtherance of the common intention are said to have committed murder of the daughter of the informant after assaulting.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. She has



falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. She has been made accused in the present case merely because she is mother-in-law of the deceased. She is aged about 65 years. The real fact is that the petitioner has been living separately from her son. She has no role in the alleged occurrence. There is no direct or indirect material available on record to indicate the complicity of the petitioner in the present case. It is evident from the postmortem report of the deceased that cause of death of the deceased is hanging having no mark of violence upon her body as alleged in the FIR. It is further submitted that the husband of the deceased is already in judicial custody and has been languishing in custody since 07.09.2024. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.



8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order keeping in view the age of the petitioner.

(Anjani Kumar Sharan, J)

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