

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81837 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- AAJAM NAGAR District- Katihar

Seema Khatoon Wife Of Md. Mujammil R/O Village- Dhumnagar, P.S.-
Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80732 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- AAJAM NAGAR District- Katihar

1. Aisa Khatun @ Ayasha Khatoon W/o Late Fazlu Rahman R/o village-
Dhumnagar, P.S.- Azamnagar, District- Katihar
2. Sahenur Khatoon @ Sahenoor Khatoon W/o Md. Tarik R/o village-
Dhumnagar, P.S.- Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81837 of 2023)

For the Petitioner/s : Mr.Md. Ziaul Quamar, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

(In CRIMINAL MISCELLANEOUS No. 80732 of 2023)

For the Petitioner/s : Mr.Md. Ziaul Quamar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-03-2024 Heard learned counsel for the petitioners as well as

learned counsel appearing on behalf of the informant and

learned APP for the State.

2. In the present case, the petitioners are

apprehending their arrest in connection with Azamnagar P.S.



Case No. 160 of 2023, registered on 11.05.2023 for the offences under Sections 304B, 12B/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with co-accused Md. Mujammil about six years ago. The petitioner Seema Khatoon is the second wife of co-accused Md. Mujammil and petitioners Aisa Khatun @ Ayasha Khatoon and Sahenur Khatoon @ Sahenoor Khatoon are mother and sister, respectively of the said co-accused. The allegation against the petitioners is that on account of demand of dowry, the petitioners and other co-accused persons used to brutally assault the daughter of the informant and lastly they killed her after such assault.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The petitioners have not committed any offence. Petitioner Seema Khatoon being the second wife has been living separately from the deceased. Similarly, petitioners Aisa Khatun @ Ayasha Khatoon and Sahenur Khatoon @ Sahenoor Khatoon are also living separately from the deceased and her husband. These petitioners never demanded any dowry and tortured the daughter of the informant. The postmortem report does not show signs of any assault though some superficial injuries have



been mentioned. Viscera was preserved for ascertaining the cause of death. Viscera report does not show presence of any poisonous substance. The husband of the deceased is languishing in custody.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that some injuries have been shown in the postmortem report and the petitioners and other co-accused persons fled away from their house and the death occurred within seven years of marriage.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the postmortem report which does not show cause of death to be any assault or any administration of poison and further considering the relationship of the petitioners with the deceased, 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 Chief Judicial Magistrate, Katihar/concerned court in



connection with Azamnagar P.S. Case No. 160 of 2023, 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)

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