

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2431 of 2024

Arising Out of PS. Case No.-118 Year-2022 Thana- GHOGHARDIHA District- Madhubani

1. Bibi Noor Jahan Khatoon @ Md. Noor Jahan Khatoon wife of Md. Tamanna Village- Kisnipatti Ps- Ghoghardiha Dist- Madhubani
2. Md. Tamanna son of Md. Moim Master Village- Kisnipatti Ps- Ghoghardiha Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Jha

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Manoj Jha, learned counsel appearing on behalf of the petitioners and Mr. Ram Sevak Choudhary, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Ghoghardiha P.S. Case No. 118 of 2022, registered for the offences punishable under Sections 304(B), 34 of the Indian Penal Code.

3. Allegedly the marriage of the grand daughter of the informant was solemnized with Md. Raju on 22.05.2022 as per the Muslim rites and rituals. However, soon after the marriage, she was subjected to demand of dowry and on account of non-fulfillment of the same, she was done to death.



4. It is submitted on behalf of the petitioners that the petitioners are married sister-in-law and brother-in-law of the deceased and they have been residing in Delhi for their livelihood and have no concern with the affairs of the deceased as well as her husband, moreover, there is omnibus allegation against all the family members. Taking note of the aforesaid fact, co-accused persons having similar allegation have been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 65766 of 2023 vide order dated 19.10.2023, the order of which has been marked as Annexure-P/2 to the bail application. He next submitted that the husband of the deceased is already in judicial custody since 03.08.2023 and all the more, the petitioners having fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the deceased has died just in a year of marriage and complicity of the petitioners cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are married sister-in-law and brother-in-law of the deceased, who have been residing in different place, coupled with the fact



that other co-accused persons having similar allegation have been allowed the privilege of anticipatory bail, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 118 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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