

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1094 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- OBRA District- Aurangabad

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1. Mobina Khatoon @ Momina Khatoon, Wife Of Abdul Gani @ Md. Gani Resident Of Village- Obra, P.S.- Obra, Distt- Aurangabad
 2. Abdul Gani @ Md. Gani, Son Of Md. Amiruddin Resident Of Village- Obra, P.S.- Obra, Distt- Aurangabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 328 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioners have been falsely implicated in the instant case by the informant, who is father of the deceased. It is next submitted that petitioners, being mother in-law and father in-law of the deceased, have been falsely implicated in the instant case by the informant. It is next submitted that informant alleges that his



sister was married to Md Rustam about five years ago and thereafter, on 12.09.2023, he received an information that his sister was serious and her treatment was going on in Government Hospital, Obra and accordingly, he reached the hospital from where he came to know that his sister has been referred for better treatment to Aurangabad. Accordingly, he reached Government Hospital, Aurangabad and found that the treatment of his sister was going on and thereafter, he made queries from the doctors, on which he was informed that his sister was administered poison and during the course of treatment, she died.

4. The learned counsel for the petitioners submits that whether the deceased was administered poison or she consumed poison is an aspect of investigation, but then, from the conduct of the petitioners, it would manifest that steps were taken for getting the deceased treated, which amply demonstrates that the victim because of some reason had consumed poison and when the petitioners came to know about the same, they made endeavours to get her treated. It is further submitted that had the petitioners been involved in the occurrence, then effort would have been to conceal and dispose of the body. It is further submitted that no doubt, the death took place within seven years



of marriage, but then, it is the bounden duty of the husband to ensure that the wife lives with honour and dignity. It is also submitted that husband of the deceased is not a petitioner in the instant case. It is also submitted that petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad in connection with Obra P. S. Case No.395 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, is not cooperating in the



investigation, then in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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