

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28190 of 2025

Arising Out of PS. Case No.-745 Year-2024 Thana- MAJHAULIA District- West Champaran

1. Khushboo Khatoon, Wife of Lalbabu Gaddi Village- Bhogadi, Ward no. 08, Ps- Majhauriya, Dist- West Champaran
2. Jahanara Khatoon, Wife of Kari Gaddi Village- Bhogadi, Ward no. 08, Ps- Majhauriya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar
For the Opposite Party/s :	Mr. Shyameshwar Dayal- A.P.P.
	Mr. Umesh Chandra Verma
	Mr. Sharad Kumar Verma
	Mr. Sagar Kumar
	Mr. Hemant Ray

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-08-2025 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 80 and 3(5) of the B.N.S.
3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case but in the said case the police exonerated the petitioners of the allegation and submitted final form and petitioners are women and the informant alleges that her daughter was married to Subahan



Gaddi on 06.05.2024. After marriage, the accused persons including the petitioners were demanding motorcycle and on account of non-fulfilment of the demand, the victim was tortured for which a Panchayati was also convened. It is next alleged that on 15.12.2024, the informant received an information that victim had fled from her matrimonial home. Accordingly, she went to the place of occurrence and found the dead body of her daughter lying in the house. Accordingly, police was informed and the dead body was sent for postmortem.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of demand of dowry and torture is general and omnibus in nature. It is also submitted that the dead body was lying in the matrimonial home of the deceased, which amply demonstrates that no effort was made by the accused persons including the petitioners to dispose of the dead body with a view to conceal evidence. It is next submitted that had the petitioners been involved in the occurrence along with accused persons, in that event, efforts would have been made to conceal the dead



body for the purposes of concealing the evidence, but then, it is submitted that the post mortem report records asphyxia by hanging. It is next submitted that no doubt, the death took place within seven years of marriage as such, presumption arises against the husband and his family members, but then, it is submitted that off late, it has become a practice that whenever any dispute arises in between the husband and the wife and occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner. It is also submitted that husband is in custody.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that no effort was made to dispose of the dead body and post mortem of the dead body was carried out.

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 anticipatory 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 C.J.M.,
Bettiah, West Champaran/ Successor Court in connection with
Majhauriya P. S. Case No.745 of 2024, subject to the conditions
laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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