

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38175 of 2025

Arising Out of PS. Case No.-24 Year-2022 Thana- BARGAINIA District- Sitamarhi

1. Anwari Khatoon D/o Sheikh Sattar R/o Village- Akhta Lohari Tola Chakwa, P.S.- Bairgania, District- Sitamarhi
2. Asgari Khatoon D/o Sheikh Sattar R/o Village- Akhta Lohari Tola Chakwa, P.S.- Bairgania, District- Sitamarhi
3. Nagina Khatoon W/o Sheikh Sattar R/o Village- Akhta Lohari Tola Chakwa, P.S.- Bairgania, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2025 Heard Mr. Hans Lal Kumar, learned counsel for the petitioners and Mr. Rajiv Nayan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bairgania P.S. Case No. 24 of 2022, F.I.R. dated 25.01.2022 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code but the police after investigation submitted charge sheet under Section 306/34 of the Indian Penal Code.

3. According to prosecution case, the informant suspects that these petitioners along with other accused persons



have killed his sister due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. It appears from the F.I.R that the marriage of the deceased was performed 13 years ago with the co-accused, Sheikh Nazrul and petitioners have been made accused merely on the ground that the petitioners are in laws of the deceased. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that there is no specific allegation of any assault or demand of dowry against these petitioners and it has come during investigation that the deceased had committed suicide herself. He further submits that the present case has been filed by the informant for release of some money from the family members of the petitioners.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific allegation of assault against these petitioners and the police have



submitted charge sheet under Section 306/34 of the Indian Penal Code which suggest that the deceased has committed suicide herself, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 24 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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