

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52584 of 2025

Arising Out of PS. Case No.-264 Year-2024 Thana- MAIRWAN District- Siwan

1. Tamanna Khatoon Daughter of Jamidar Hussain @ Jamadar Hussain @ Jamadar@ Jamdar Hussain @ Jamdar Husain Resident of Village Manjhauli Road, Ward No. 6, P.S.- Mairwan, District - Siwan, Bihar
2. Roshan Tara @ Raushan Tara Wife of Jamidar Hussain @ Jamadar Hussain @ Jamadar @Jamdar Hussain @ Jamdar Husain Resident of Village- Manjhauli Road, Ward No. 6, P.S.- Mairwan, District - Siwan, Bihar
3. Iud Mohammad @ Eid Mohammad Son of Jamidar Hussain @ Jamadar Hussain @ Jamadar @ Jamdar Hussain @ Jamdar Husain Resident of Village Manjhauli Road, Ward No. 6, P.S.- Mairwan, District - Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Netan Chouhan, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-08-2025 Heard Mr. Netan Chouhan, learned counsel for the petitioners and Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mairwan P.S. Case No. 264 of 2024, F.I.R. dated 09.08.2024 for the offences punishable under Sections 80(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant alleged that his daughter was married to accused, Tar Mohammad in the year 2019 and despite having given cash,



jewellery and household articles at the time of marriage, after six months the accused started demanding a motorcycle and on her refusal, subjected her to repeated torture and assault with the active support of his family members. On 07.08.2024, she informed her sister over phone that she had been brutally beaten and feared for her life, and on the next day, information was received regarding her suicide.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent. The allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. In fact, the petitioner no. 1 is sister-in-law, petitioner no. 2 is mother-in-law and petitioner is brother-in-law of the deceased. Learned counsel for the petitioners further submits that from a bare perusal of the F.I.R., it appears that the date of occurrence as alleged in the F.I.R. is 08.08.2024 but the present F.I.R. has been instituted on 09.08.2024. Before the filing of the present F.I.R., the Inquest Report was prepared on 08.08.2024 at 18:14 hours itself and it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and the



husband of the deceased is in judicial custody since 10.08.2024 and the father-in-law of the deceased, namely, Jamidar Hussain @ Jamadar Hussain @ Jamadar who was also in judicial custody since 10.08.2024 has been granted bail by this Court vide order dated 16.04.2025 passed in Cr. Misc. No. 17998 of 2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt act attributed against the petitioners, petitioners are in-laws of the deceased and the husband of the deceased in judicial custody since 10.08.2024, let the petitioners, above named, in the event of their 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 A.C.J.M.-V, Siwan in connection with Mairwan P.S. Case No. 264 of 2024, 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 tamper 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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