

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58655 of 2025

Arising Out of PS. Case No.-338 Year-2025 Thana- MADHAURAH District- Saran

MAKBULAN BIWI @ MAKBULAN KHATOON W/o- Late Makbul Miya
Village- Tejpurwa Ps- Marhaurah Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-09-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 80(2) of the BNSS.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is aged about 73 years and the informant alleges that his niece was married to Nasim on 12.11.2024, after marriage, accused were demanding dowry of Rs.5 lacs, on account of non-fulfillment of dowry demand, the victim was tortured, further on 18.05.2025, the informant tried to contact the victim but her mobile was switched off, hence went to meet her at her matrimonial home



when he found petitioner sitting outside the house and informed that victim suffered heart attack, accordingly, he rushed inside the house and saw the dead body of his niece and froth was coming out of her mouth, thus alleges that she was strangled to death.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that informant is not an eyewitness to the occurrence. It is also submitted that had the petitioner been involved in the occurrence, in that event, efforts would have been made to dispose of the dead body to conceal evidence but then from perusal of the allegation as alleged in the FIR, it would manifest that petitioner had not fled rather was sitting outside her house. It is also submitted that the dead body was sent for postmortem and the doctor recorded the cause of death as asphyxia due to hanging. It is next submitted that wife is the prime responsibility of the husband and if any dispute arises 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 fairly submitted that even if the victim committed suicide in that event it was the husband who created condition conducive for the victim to take



extreme step of ending her life. It is reiterated and submitted that had the petitioner been involved in the occurrence along with other family members, in that event, efforts would have been made to dispose of the dead body with a view to conceal evidence. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove her innocence. It is also submitted that no doubt the death occurred within an year of marriage as such presumption in law is against the husband of the deceased and his family members but then all deaths are not dowry death. It is further submitted that even demand of dowry is general and omnibus in nature.

5. Learned A.P.P. and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that petitioner had not fled from the place of occurrence rather was sitting outside her house and no effort was made to dispose of the dead body with a view to conceal evidence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Marhaurah P.S. Case No.338/2025, subject to the conditions as laid down under Section 482(2) B.N.S.S.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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