

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78277 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- MUSAHARI District- Muzaffarpur

1. Lal Mohammad Mansoori @ Lal Mohammad, S/O Late Md. Abbas Ali Resident of Village-Ward no. 9, Nagarpanchayat- Sheohar, PO and PS- Sheohar, Distt.- Sheohar.
2. Saimul Khatoon @ Semul Khatoon @ Saimun Nesa, W/O Lal Mohammad Mansoori @ Lal Mohammad, Resident of Village-Ward no. 9, Nagarpanchayat- Sheohar, PO and PS- Sheohar, Distt.- Sheohar.
3. Guriya Khatoon @ Gudiya Khatoon @ Zabina Khatoon @ Gudiya, D/O Lal Mohammad Mansoori @ Lal Mohammad, Resident of Village-Ward no. 9, Nagarpanchayat- Sheohar, PO and PS- Sheohar, Distt.- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zulekha Khatoon, W/O Md. Rajju, R/O Village- Manika Harikesh, P.S- Mushahari, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahzad Hassan Khan, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-03-2025 Heard Mr. Mehtab Alam, learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State. The opposite party no. 2 appears through Mr. Mrityunjay Kumar, learned Advocate.

2. The petitioners apprehend their arrest in connection with Mushahari P.S. Case No. 113 of 2024, registered for the offences punishable under Sections 302, 420, 379, 323 and 504 of the Indian Penal Code.

3. Based upon the complaint case leading to institution of the FIR it is alleged that the marriage of the daughter of the complainant was solemnized with the son of the



petitioner nos. 1 and 2 on 08.07.2017. At the time of marriage sufficient dowry was offered. The couple also blessed with two children. However, the dowry which was offered to the accused persons, did not quench their thirst and the victim was subjected to continuous demand of dowry and later on she was done to death. On the information of death of the deceased, the complainant rushed to her matrimonial house, where the accused persons had assured that they will bestow appropriate piece of land in favour of her maternal grandson, but subsequently they refused to do so, thus the present complaint.

4. Learned Advocate appearing on behalf of the petitioners drawing the attention of this Court to the complaint which is part of the FIR, has contended that *prima facie* it appears that the concern of the complainant was only to the execution of the land in favour of maternal grandson. The information with regard to the death of the deceased was given to the complainant on 13.01.2023 itself, but the complaint was instituted on 18.04.2023 and thereafter it was sent to the concerned police station. It is further contended that the deceased died on account of cardio pulmonary arrest. To support the aforesaid contention, a dead body carrying certificate issued by the Medical Officer, Sadar hospital, Sheohar has also been placed on record.

5. On the other hand, learned Advocate for the State



as well as learned Advocate for the informant has vehemently opposed the pre-arrest bail application and submits that the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in instituting the complaint and the certificate issued by the Sadar hospital, Sheohar, apart from the fact that the petitioner nos. 1 and 2 are parents-in-law whereas petitioner no. 3 happens to be sister-in-law of the deceased and the husband is in custody, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class (East), Muzaffarpur in connection with Mushahari P.S. Case No. 113 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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