

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75768 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Gaffira Khatoon @ Jakira Khatoon, W/o- Late Irsad Alam Village- Semrahiya
W.No-6, Ps- Chhauradano Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohd Umar Ali S/o- Late Waliullah R/o- Mohammadpur Banjariya Ps-
Turkauliya Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 29-01-2025 Heard Learned Counsel for the petitioner, Learned
APP for the State and Learned Counsel for the informant.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends her arrest in connection with Chhauradano P.S. Case No. 181 of 2024 lodged on 23.07.2024, for the offences punishable under Sections 80, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner against whom there is an allegation that they have killed



informant's daughter due to non-fulfillment of demand of dowry.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner is an old lady aged about 76 years and she is mother-in-law of the deceased (informant's daughter). Counsel further submits that criminal antecedent of the petitioner is clean as she is acquitted in a case which is pending against her. Counsel further submits that the actual dispute in the family arose from another reason. The deceased's husband was previously married and had a child from that marriage and disputes within the family occurred due to efforts to keep the child from his earlier wife and under the stress of these ongoing disputes, the deceased consumed poison.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Learned Counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation in the FIR that petitioner used to assault the deceased for ransom on the pretext of marriage as well as to purchase a car.

7. It transpires to this Court from the contents of the



FIR i.e. inquest report, *prima-facie*, I.O has found that death has been caused due to consumption of poison.

8. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate 1st Class, East Champaran, Motihari, in connection with Chhauradano P.S. Case No. 181 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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