

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1877 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- HABIBPUR District- Bhagalpur

1. Md. Aslam @ Aslam Khan S/o- Md. Samid @ Samid @ Samid Painter Village- Sadruddinhak Ps- Habidpur Dist- Bhagalpur
2. Md. Salim S/o- Md. Samid @ Samid @ Samid Painter Village- Sadruddinhak Ps- Habidpur Dist- Bhagalpur
3. Md. Sharique S/o- Md. Samid @ Samid @ Samid Painter Village- Sadruddinhak Ps- Habidpur Dist- Bhagalpur
4. Bibi Muslima W/o- Samid @ Samid @ Samid Painter Village- Sadruddinhak Ps- Habibpur Dist- Bhagalpur
5. Md. Samid @ Samid @ Samid Painter S/o- Late Md. Hamid Village- Sadruddinhak Ps- Habibpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah

For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

3. A First Information Report was lodged by the father of the deceased on 26.05.2024 reporting an incident which took place in the night of 24.05.2024 when his daughter Reshma was done to death on account of demand of dowry and cruelty meted out to the deceased prior to the marriage by the accused persons



of the present case. It has been alleged that the marriage of the daughter of the informant was solemnized with Md. Parwej on 14.07.2014.

4. Learned counsel for the petitioners submits, at the outset, that the First Information Report itself discloses that the marriage is of the year 2014 whereas the incident is said to have taken place in the year 2024 i.e. after 10 years of the marriage and hence, no offence under Section 304(B) of the IPC would be made out in the case. Thus, there is no question of any presumption against any of the accused persons and it is not a case of any eye witnesses. Learned counsel for the petitioners further submits that the petitioners in this application are three brother-in-law, mother-in-law and the father-in-law of the deceased. There is general and omnibus allegation in the FIR against all the accused persons. However, during the course of investigation, the statement of the witness Anash, the son of the deceased has been recorded in para-13 of the case diary, wherein he has imputed specific allegation against the husband of the deceased, who is already in custody and this fact also would be evident from the case diary from paragraph-29.

5. Learned APP for the State has opposed the application for anticipatory bail.



6. Taking into consideration of the facts and circumstances and that the petitioners are the in-laws and the husband of the deceased is in custody, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Habibpur P.S. Case No. 94 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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