

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16510 of 2026**

Arising Out of PS. Case No.-258 Year-2025 Thana- KATIHAR MUFFASIL District- Katihar

1. Md. Jalauddin @ Md. Sahir Son of Md. Rafique Sardar Resident of Mohalla- Makhdumpur, P. S- Mufassil, District- Katihar
2. Fatkan Khatoon @ Fatkania @ Fatkaniya wife of Md. Jalauddin @ Md. Sahir Resident of Mohalla- Makhdumpur, P. S- Mufassil, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah
For the Opposite Party/s : Mr. Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 28-04-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 103(1), 80, 3(5) of the B.N.S., 2023.

3. Learned counsel for the petitioners submits that petitioner no.1 is aged about 78 years and petitioner no.2 is aged about 75 years and are persons with clean antecedent and the informant alleges that his daughter was married to Mubarak about two years back and out of the wedlock a son was born, further the accused persons used to torture her for dowry, for



which, a panchayati was convened, but still the accused persons continued with torture and assault, further on 29.10.2025 at 4 P.M. the informant was informed that his daughter has been killed by her husband and the accused persons by hanging her, accordingly he reached the place of occurrence and saw the dead body of his daughter lying in the verandah and the accused persons had fled, thus alleges that his daughter was killed by the accused persons including the petitioners.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case being father-in law and mother-in-law. It is further submitted that the victim died within seven years of marriage but then all deaths are not dowry death. It is further submitted that though informant alleges that the victim was tortured for non-fulfillment of the dowry demand but then from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that as to what was demanded by the accused persons in form of dowry. It is also submitted that informant is not an eyewitness to the occurrence nor any case came to be instituted either by the informant or the victim alleging torture, for non-fulfillment of dowry demand in these two years. It is next submitted that the entire allegation hinges



around suspicion. It is further submitted that had the petitioners been involved in the occurrence along with others, in that event, efforts would have been made to dispose of the dead body with a view to conceal evidence but then the dead body was lying in the house and was sent for postmortem for ascertaining the cause of death. It is also submitted that whenever any dispute arises in between the husband and the wife and the occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is reiterated and submitted that petitioners are aged about 78 and 75 years and have remained a person with clean antecedent and have other sons and daughter-in-law but they never came to be implicated in such a case and they also reside separately from the husband of the deceased but then in a mechanical manner the informant implicated them. It is also submitted that postmortem report records cause of death as asphyxia on account of hanging. It is thus submitted that it appears that the victim being aggrieved by her husband committed suicide. It is also submitted that if privilege of anticipatory bail is granted to the petitioners, the petitioners will not abscond rather will cooperate in the investigation to prove their innocence. It is also submitted that in course of



investigation, statement of independent witnesses were recorded, who have also stated that the victim committed suicide.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners. Learned counsel for the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that informant is not an eyewitness to the occurrence, FIR does not disclose that what was being demanded in dowry and the allegation of assault against the petitioners is general and omnibus in nature and petitioners are senior citizens with clean antecedent and have other sons and daughter-in-law but they never came to be implicated in such a case and they reside separately.

6. After hearing the learned counsel for the parties, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Muffasil P.S.



Case No.258/2025, subject to the conditions as laid down under
Section 482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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