

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29808 of 2026

Arising Out of PS. Case No.-175 Year-2025 Thana- HUSSAINGANJ District- Siwan

Shahjahan Khatoon wife of Late Ejajul Khan Resident of Village- Pratappur
Ps -Hussainganj District -siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv
For the Opposite Party/s : Mr. Rajendra Singh, APP
For the Informant : Mr. Chandrasen Pd. Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-07-2026 Heard the parties.

2. The accused/petitioner is named in the F.I.R.

and apprehended her arrest in connection with Hussainganj

P.S. Case No.175/2025 registered for the offences

punishable under Section 123 and 80 of the BNS.

3. As per FIR, sister of the informant was killed

by accused person, including petitioner, by administering

poison.

4. Learned counsel appearing on behalf of the

petitioner submitted that petitioner is mother-in-law and

admittedly informant is the brother of the deceased living

just behind the matrimonial house of the deceased sister, is

not the eye-witness of the occurrence. It is submitted that



even the demand of money was not raised as dowry rather for the treatment of the deceased sister of the informant and, therefore, the FIR or allegations as raised for dowry death appears non-convincing. It is submitted that being short tempered lady, sister of the informant out of family quarrel committed suicide after consuming poison. It is submitted that sister of the informant was hospitalized on the same very day of the occurrence i.e., on 30.04.2025 in PHC, where she was admitted continuously till 07.05.2025 and her condition deteriorated, and therefore but suddenly on 08.05.2025 her condition deteriorated from where she was first referred to Sadar Hospital and finally to IGIMS, Patna, where she was admitted to emergency ward but died. It is submitted that even after death of the sister of the informant, FIR in issue was lodged after 18 days of the occurrence i.e., on 18.05.2025. It is further, argued that matter was not even reported to the police by the informant or family members while the deceased was hospitalized in PHC, in connection with her treatment.

5. It is further argued that as per post-mortem



report or inquest, it nowhere appears that any mark of violence was found upon the body of deceased sister of informant suggesting sufficiently that she was not physically assaulted soon before the occurrence. In this connection, it is further submitted that cause of death is yet to ascertain, for which the FSL report is awaited.

6. Learned APP duly assisted by learned counsel for the informant, while opposing the prayer for anticipatory bail submitted that petitioner being mother-in-law was living together with deceased and her husband and under conspiracy, the sister of the informant was given poison as she has no male issue. However, he conceded that as per, FIR the demand of money raised in connection with the treatment of sister of the informant. He could not disputed the delay as to lodge present FIR in view of submission as made aforesaid by learned counsel for the petitioner.

7. In view of the facts and circumstances and by taking note of the fact as demand as alleged to be raised by petitioner prima-facie appearing in connection of her treatment, not as dowry, coupled with the fact as FIR in



issue was lodged after 18 days of the occurrence, more particularly the occurrence was not even reported to the local police, while deceased sister of informant was hospitalized in PHC, accordingly petitioner, who is lady of clean antecedent, in the event of her arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, 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 JM-1st Class, Siwan /concerned trial court where the case is pending in connection with Hussainganj P.S. Case No.175/2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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