

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54238 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- GWALPARA District- Madhepura

1. Farjana Khatoon W/o Md. Jannat Sah R/o Village - Resna, P.S - Arar, District - Madhepura
2. Asma Praween @ Asmana Khatoon W/o Kurban Sah R/o Village - Resna, P.S - Arar, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 17-01-2026 Heard Mr. Uday Chand Prasad, learned counsel for the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Gwalpara P.S. Case No. 151 of 2024 instituted under Sections 304B, 498A, 34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act lodged on 12.08.2024 by the informant, Rakesh Kumar.

3. As per the prosecution story, the allegation is that the deceased lady was married to Md. Rahman on 10.05.2024 but on 03.06.2024 came the news of her death. In between, when she had went to home for couple of days, made allegation against the in-laws for torturing for dowry. This led to the FIR.



4. The Police took up the investigation, the post mortem conducted and the cause of death has been recorded as cardiopulmonary arrest due to asphyxia caused by manual strangulation.

5. Learned counsel for the petitioners submit that the petitioner no.2, Asma Praween @ Asmana Khatoon is sister-in-law (gotni) living separately. She had no role to play in the matter.

6. So far as the petitioner no.1, Farjana Khatoon is concerned, she is the mother-in-law and this was a case of suicide.

7. Learned APP opposes the prayer submitting that the post-mortem report do not support the submission put forward by the learned counsel for the petitioners and in any case, the role of the mother-in-law as also the other family members cannot be ruled out.

8. As per the FIR, the lady was only 18 years of age, within three weeks of her marriage, she became of a lifeless body. Allegation is against the in-laws including the husband.

9. In that background, so far as the petitioner no.1, Farjana Khatoon is concerned, she being the mother-in-law, her role cannot be ignored, the anticipatory bail of the petitioner



no.1, Farjana Khatoon stands rejected.

10. So far as the petitioner no.2, Asma Praween @ Asmana Khatoon is concerned, though the allegation is again all the family members and her role also can not be excluded, taking into account the alibi that she lives separately, has no criminal antecedent, the husband is in custody, in that background, this court is inclined to extend her the privilege of anticipatory bail.

11. Let the petitioner no.2, Asma Praween @ Asmana Khatoon be released on bail, in the event of her arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Gwalpara P.S. Case No. 151 of 2024 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the no.2, Asma Praween @ Asmana Khatoon who shall provide official document (Aadhar Card/Voter ID/Driving License/Pan Card etc) to show his/her bona fide;



(ii) the no.2, Asma Praween @ Asmana Khatoon shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the no.2, Asma Praween @ Asmana Khatoon shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the no.2, Asma Praween @ Asmana Khatoon shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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