

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74316 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- JAMOBABAZAR District- Siwan

1. Fida Hussain S/o- Mohammad Munshi R/v- Bhada Khurd, P.S.- Jamo Bazar, District- Siwan
2. Rani Khatoon D/o- Fida Hussain R/v- Bhada Khurd, P.S.- Jamo Bazar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 74792 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- JAMOBABAZAR District- Siwan

1. Guria Khatoon @ Shamma Naz W/o- Sadam Hussain, D/o- Fida Hussain R/v- Rarauli, P.S.- Sidhwalia, District-Gopalganj-
2. Aamna Khatoon W/o- Fida Hussain R/v- Bhada Khurd Ps-Jamo Bazar Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74316 of 2025)

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 74792 of 2025)

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

For the Opposite Party No.2: Mr. R. Kumar, Advocate

Mr. Yashraj Bardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-03-2026 Heard learned Counsel for the petitioners, learned

Counsel for the informant and learned APP for the State in both

these cases.



2. Both these criminal miscellaneous applications have been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Jamo Bazar P.S. Case No. 173 of 2025, lodged on 29.04.2025, under Sections 80/123/3(5) of the Bhartiya Nyay Sanhita, 2023 and under Section 3/4 of the D.P. Act.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners, with allegation that marriage of the daughter of the informant was solemnized with the son of petitioner No.1 of first case and petitioner No.2 of second case and due to threat of second marriage and demand of dowry as well as due to forcible administration of poison death of informant's daughter took place.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that in the first case, the father-in-law and unmarried *nanad* are the petitioners, whereas in the second case, the mother-in-law and married *nanad* are the petitioners.

5. Learned counsel further submits that, although



there is a specific allegation in the FIR that poison was administered in the food of the deceased, resulting in her death, the said allegation is not supported by the medical evidence. He submits that the case diary and post-mortem report were called for, and as per the opinion of the doctor, the death was caused due to sudden cardiac arrest, with no indication of poisoning having been found.

6. It is further submitted that the petitioners are innocent and have been unnecessarily implicated in the present case. Counsel also submits that from the contents of the FIR, it is evident that the husband of the deceased was not residing in the town but was living in Pune, and there was continuous communication between the husband and the deceased. Learned counsel submits that the antecedents of the petitioners are clean. He further submits that the petitioners are ready to abide by any condition that may be imposed by this Hon'ble Court.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the FIR contains a specific allegation that poison was administered in the food of the deceased, resulting in her death.

8. But, upon perusal of the post mortem report, it



transpires that the allegation made in the FIR i.e., the ocular statement does not match with the medical evidence. There is no sign of any injury on the external part of the body and doctor has reported the cause of death is cardiac arrest.

9. Learned APP for the State opposes the prayer for bail of the petitioners.

10. In this view of the matter, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of S.D.J.M., Siwan, in connection with Jamo Bazar P.S. Case No. 173 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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