

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21131 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -SUPAUL District- SUPAUL

1. Md. Harun Son of Late Md. Sukur
2. Md. Irshad, son of Md. Harun Both resident of village- Suratipatti, P.S.
+ District- Supaul

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.22007 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -SUPAUL District- SUPAUL

Md. Samshad @ Md. Shamshad S/o Late Md. Iliyash Resident of
Suratipatti, P.S. + District Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.21131 of 2015)

For the Petitioners : Mr. Pramod Mishra, Advocate.

For the Opposite Party : Mr. Binod Kumar No. 3 (APP)

(In Cr.Misc. No.22007 of 2015)

For the Petitioner : Mr. Pramod Mishra, Advocate.

For the Opposite Party : Mr. Binod Kumar -3 (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

2 16-07-2015 Heard learned counsel for the petitioners in both the
cases as well as learned counsel for the State.

Both the criminal miscellaneous applications arise out
of the same occurrence and as such have been heard together and
are being disposed of by passing this common order.

In these applications for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 498 (A) and 302/34 of the I.P.C.

Allegedly, the daughter of the informant was married two years ago with petitioner Md. Samshad @ Md. Shamshad and she was burnt to death by petitioner Md. Shamshad @ Md. Shamshad and other in-laws named in the F.I.R.

Submission is that the petitioners Md. Harun and Md. Irshad are not the family members of husband of the deceased. They are not named in the F.I.R. Subsequently, they have been named with wrong allegation resulting they are apprehending their arrest. Further it is submitted that in the F.I.R. itself it is stated that Md. Samshad @ Md. Shamshad used to live at Delhi and as such they deserve sympathetic consideration as daughter of the informant has committed suicide.

The learned A.P.P. opposes the prayer for pre-arrest bail of the petitioners.

In the facts and circumstances as stated above, considering that petitioners Md. Harun and Md. Irshad are not named in the F.I.R and further, as submitted, they are not the family members and as such they in case of their arrest or surrender within one month from the date of receipt/production of

a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Supaul in Supaul P.S. Case No. 16 of 2015, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

But considering the allegation against Md. Samshad @ Md. Shamshad and further that he is husband and in the F.I.R. there is specific allegation against him and as such this Court is not persuaded to grant the privilege of pre-arrest bail to Md. Samshad @ Md. Shamshad. Accordingly, his prayer for pre-arrest bail stands rejected.

(Jitendra Mohan Sharma, J)

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