

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36796 of 2015

Arising Out of PS.Case No. -135 Year- 2014 Thana -PIRPAINITI District- BHAGALPUR

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1. Tunia Wife of Md. Mobarak
 2. Bachi Khatoon Daughter of Md. Mobarak
 3. Choti Bachi Daughter of Md. Mobarak
 4. Sohail Son of Md. Nezamuddin
 5. Bachanba Son of Md. Shamsul All resident of village - Kolasi, Narayanpur, P.S. Ishipur, Barahat, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 24-11-2015

Heard both sides.

The petitioners apprehend arrest in a case registered for the offences punishable under sections 302, 201/34 of the Indian Penal Code.

The informant mother of the deceased alleged that on 12.06.2014 her son-in-law Md. Ilyas, his relative Md. Gaudan and Md. Nadim came and took his daughter to their house but on the next day the dead body of her daughter was found in Maini canal. The informant suspected that father, mother, sisters and other family members of Md. Ilyas might have killed her daughter.

It is submitted that petitioner no. 1 is mother-in-



law, petitioner nos. 2 and 3 are sisters-in-law of the deceased and petitioner nos. 4 and 5 are not named in the F.I.R. Their names surfaced in the case in the statement of witnesses recorded in paragraphs 16 and 17 of the case diary that perhaps Sohail and Bachanwa were also with the husband of the deceased at the time of taking the deceased to his own house. It is submitted that they are not the eye witnesses of the occurrence. They did not disclose the source of their information. Petitioner nos. 1, 2 and 3 are ladies and no specific allegation is made against them. They have no concern with the family affairs of the deceased and her husband. Father-in-law of the deceased has already been enlarged on anticipatory bail by order passed in Criminal Misc. No. 36446 of 2015. Md. Jasir has also been granted regular bail vide order passed in Criminal Misc. No. 39104 of 2014.

It appears that the husband took the daughter of the informant along with Md. Gaudan and Md. Nadim and on the next day the dead body and Mobile of Md. Ilyas was recovered. Except suspicion no tangible material is collected against the petitioners.

Learned Additional P.P. does not dispute the fact aforesaid.

Considering the facts aforesaid, the petitioners

above named, in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, shall be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Pirpainti P.S. Case No. 135 of 2014 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

Amin/-

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