

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44079 of 2014

Arising Out of PS.Case No. -50 Year- 2014 Thana -THAKURGANJ District- KISANGANJ

Mustaque Kureshi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.47756 of 2014

Arising Out of PS.Case No. -50 Year- 2014 Thana -THAKURGANJ District- KISANGANJ

Madina Khatoon @ Madina

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44079 of 2014)

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. R.B.Rai Raman(A.P.P.)

(In Cr.Misc. No.47756 of 2014)

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Ahmad Ali (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 09-04-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Cr. Misc. No.44079 of 2014 wherein Mustaque
Kureshi is the petitioner whereas Cr. Misc. No.47756 of 2014
wherein Madina Khatoon @ Madina happens to be the petitioner
commonly originate out of Thakurganj (Galgalia) P. S. Case no.50
of 2014, as such have been heard together and are being disposed
of by a common order.



Informant, Jainaf Khatoon had gone to Nepal in search of her livelihood leaving behind her daughter Gulaisa Khatoon aged about 15 years. She was informed by her co-villager Brajesh Mandal on 26.02.2014 that her daughter is in badly burnt condition. She immediately rushed, came, found her daughter in burnt condition and on account thereof, took her to hospital, during midst thereof, she disclosed that these petitioners along with other assaulted her and then lifted her to her house and further coerced to commit suicide either by consuming poison or putting on flames and so, she committed the same. Deceased died during course of treatment at the hospital.

It has been submitted on behalf of petitioners that they have been falsely implicated in this case. It has also been submitted that none of the witnesses had claimed to be an eye witness to occurrence. It has also been submitted that deceased on her own had committed suicide and for that, petitioners were not at all responsible. It has also been submitted that some of the witnesses has stated that on account of quarrel amongst sisters, she had committed the aforesaid act. It has also been submitted that occurrence is of dated 26.02.2014 while the deceased had died on 02.03.2014 and the instant case has been registered on 06.03.2014. Therefore, there was every possibility of getting the petitioners

falsely roped in this case. So, submitted that petitioners are entitled for an anticipatory bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that after death of deceased, the statement made by the deceased to her mother regarding cause of her death now found admissible in terms of Section 32 of the Evidence Act wherefrom the status of the petitioners as an abettor have duly been acknowledged. Not only this, the other witnesses have also stated like so.

Hence, I do not see it a fit case wherein petitioners should be given benefit of anticipatory bail. Accordingly, prayer of petitioners for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J)

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