

Arising from the above, the following are the findings of the study:

1. Abdurrahman bin Abdulmutalib al-Baghdadi
2. Bibi Aisha binti Abdulmutalib al-Baghdadi
3. Qutaiba bin Abdurrahman al-Baghdadi
4. Mahdi bin Abdurrahman al-Baghdadi
5. Bibi Aisha binti Abdurrahman al-Baghdadi
6. Bibi Aisha binti Abdurrahman al-Baghdadi
7. Bibi Aisha binti Abdurrahman al-Baghdadi

1. Abdul Gaffar @ Abdul Ghaffar s/o Late Iltaf
2. Bibi Sahjabeen W/o Aftab Alam
3. Qutab Ali S/o Abdul Gaffar
4. Mahjabeen w/o Qutab Ali
5. Bibi Sahara w/o Abdul Gaffar
6. Bibi Kekani D/o Abdul Gaffar
7. Bibi Rojana D/o Abdul Gaffar
8. Md. Sohel @ Md. Sohail S/o Abdul Gaffar
9. Md. Mohel S/o Abdul Gaffar

Versus

... Opposite Party/s

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate
For the Opposite Party/s : Mr. Manoj Kumar(App)

ORAL ORDER

Heard learned counsels for the petitioners and the State.

The petitioners being second wife, brothers, brothers' wife, mother and sisters of the late husband of the complainant are apprehending arrest in a complaint case wherein process has

been directed to be issued after cognizance being taken for the offences punishable under sections 302, 201/34 of the Indian Penal Code.

The prosecution case is that the complainant was married with Aftab Alam and, subsequently, two sons were born out of the wedlock. It is alleged that the husband of the complainant performed second marriage with petitioner no.2 Bibi Sahjabeen and, thereafter, started residing with her. Consequently, the complainant started residing with her parents. It is further alleged that husband of the complainant used to give all his earnings to the second wife but on 18.05.2010, the complainant saw the accused persons including the petitioners assaulted the husband of the complainant. The accused killed the husband of the complainant and buried him.

It is submitted by learned counsel for the petitioners that initially Complaint Case No.1719 of 2010 was filed which came to be registered as Amour P.S. Case No.80 of 2010 after being transferred, under section 156(3) Cr.P.C, to police station wherein on conclusion of investigation, the accusation was not found true, the Final Form was submitted and the petitioner was not sent up for trial. Subsequently, Final Form was accepted but on Protest-cum-Complaint Petition No.4749 of 2012, the matter

proceeded and ultimately vide order dated 23.07.2014, the cognizance has been taken under sections 302/201 of the Indian Penal Code. It is further submitted that the post-mortem reflects one injury and due to matrimonial dispute the entire family members have been roped in the present case.

Considering the facts that for the initial occurrence of 18.05.2010, the complaint was filed on 20.06.2010 which came to be registered as Amour P.S. Case No.80 of 2010 on 08.07.2010, the Final Form was submitted finding the accusation not true during investigation and the petitioners having no criminal antecedent, let the above named petitioners (except petitioner no.1 Abdul Gaffar) be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Purnea in connection with Complaint Case No.4749 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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