

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32297 of 2014

Arising Out of PS.Case No. -1564 Year- 2005 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Md. Nazim son of Md. Halim
2. Md. Suthre @ Md. Wasim
Both sons of Md. Halim, Both resident of village - Fazilpur (Baghauni) ,
Police Station - Waini (Tajpur) , District- Samastipur .

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi
For the Opposite Party/s Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 09.02.2015 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State and also heard learned counsel
for the complainant.

Originally, complainant filed complaint case bearing
Complaint Case No. 1564 of 2005 on 14.6.2005 for the occurrence of
25.5.2005 and on the basis of the aforesaid complaint case, Baligaon
P.S. Case no. 33/2005 under sections 304B, 120B/34 of the IPC was
registered. Police after due investigation found accusation untrue and
accordingly, submitted final form. The said final form was accepted
and the court below proceeded on the basis of protest petition treating
the same as complaint petition.

Learned counsel for the petitioners submits that the
deceased was carrying pregnancy of six months and unfortunately, she
died due to acute pain and prior to her death, she was got treated by

one doctor which is evident from perusal of annexure 3 to this petition

Learned counsel for the informant opposes the prayer submitting that petitioner no.1 is husband whereas petitioner no.2 is brother-in-law of deceased and in course of enquiry complicity of the petitioners has been found in the aforesaid case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of Smt. Noor Sultana, Judicial Magistrate, Ist Class, Hajipur/concerned court in Complaint Case No. 1564 of 2005 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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