

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17171 of 2015

Arising Out of PS.Case No. -107 Year- 2014 Thana -BARHARA District- PURNIA

Nuria Khatoon Wife of Mojim Ansari resident of village Gopi Nagar Parsa,
P.S. Barhara, district Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.35258 of 2015

Arising Out of PS.Case No. -107 Year- 2014 Thana -BARHARA District- PURNIA

Md. Jahangir Ansari Son of Mojim Ansari resident of village Gopi Nagar
Parsa, P.S. Barhara (Raghubansh Nagar), District Purnea.

.... Petitioner

Versus

The State of Bihar.

..... Opposite Party

Appearance :

(In Cr.Misc. No.17171 of 2015)

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. S.Dayal, APP

(In Cr.Misc. No.35258 of 2015)

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. C.Sen Pd.Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 04-09-2015

In these two applications filed under Section 438 of the Code of Criminal Procedure, the petitioners seek pre-arrest bail in connection with Barhara PS Case No. 107 of 2014 registered under Sections 328, 304B read with Section 34 of the Indian Penal Code. The petitioner in Cr. Misc. No.17171 of 2015 Nuria Khatoon and the petitioner in Cr. Misc. No.35258 of 2015 Md. Md. Jahangir Ansari, happen to be the mother-in-law and the husband of the deceased, respectively.

It is contended that the petitioners have falsely been implicated in the present case and the deceased died as she consumed poison due to matrimonial dispute.

Learned APP for the State has opposed the prayer for bail. He has submitted that there is allegation as against the petitioner Md. Jahangir Ansari that within a short span of marriage, he gave oral *taalak* to the deceased and he always used to coerce her for demand of a motorcycle. It would appear from perusal of the case diary that Md. Qayum and Md. Taslim, whose statements in paragraphs- 46 and 47 of the case diary have been recorded, have categorically stated during investigation that the deceased took poison due to altercation which took place between the deceased and her husband.

Regard being had to the totality of the circumstances, in the event of arrest or surrender the petitioner, namely, Nuria Khatoon, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Barhara PS Case No. 107 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the petitioner Md. Jahangir Ansari of Cr. Misc. No. 35258 of 2015 is concerned, his prayer for anticipatory bail is rejected.

(Ashwani Kumar Singh, J)

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