

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27313 of 2015

Arising out of PS.Case No. -34 Year- 2015 Thana -BHAWANIPUR District- PURNIA

1. Askari Khatoon @ Ashari Khatoon, Wife of Md. Imteyaz.
2. Parvej Alam, Son of Md. Ramjan Ali. Both residents of village -
Maugra, Police Station - Bhawanipur, District – Purnia.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Uday Chand Prasad, Advocate.
For the Opposite Party : Mr. Bharat Bhushan(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2015 Heard learned counsels for the petitioners, informant and
learned counsel for the State

The petitioners are apprehending their arrest in connection
with Bhawanipur P.S. Case No. 34 of 2015 for the offences
instituted under Sections 302 and 120(B) of the IPC.

The prosecution story, in brief, is that about six months
before accused Md. Imtiyaz kidnapped his daughter Shaheen
Parween and married with her, for which the informant lodged a
case for abduction of his daughter. The accused Imtiyaz married
his daughter Shaheen Praween as a result of which relationship of
family of both party become in tense. It is also stated that Imtiyaz
prior to marriage with Shaheen Parween already married with a



lady and he has a son and three daughters. After marriage with the daughter of the informant by Imtiyaz, his first wife lodged a case and in that case daughter of the informant and Imtiyaz were arrested and remanded to jail custody and they were released on bail. On 09.02.2015 informant son Munna informed him that Shaheen Parween was killed by the accused persons by strangulating her neck. The informant has alleged that the accused by persons hatching a conspiracy committed murder of his daughter by strangulating her neck.

It has been submitted on behalf of the petitioners that the petitioner no. 1 is a lady and the first wife of the husband of the deceased and the petitioner no. 2 is the Dewar of the deceased. There is no direct or indirect evidence to suggest the implication of the petitioners. Petitioner no. 1 who is the first wife of the husband of the deceased had earlier instituted a case for offences under Sections 494 and 498(A) of the IPC against her husband/ husband of the deceased for performing second marriage with the deceased.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioners are named in the F.I.R. and other co-accused has been granted regular bail by this Court vide Cr. Misc. No. 23463/2015 dated 12.08.2015.

Considering the aforesaid facts and circumstances as the petitioner no. 1 Askari Khatoon @ Asgari Khatoon, let her be released on bail in the event of her arrest or surrender before the learned court below within a period of four weeks from today in connection with Bhawanipur P.S. Case No. 34/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner no. 2 Parvej Alam is concerned, prayer for anticipatory bail on his behalf is rejected in Bhawanipur P.S. Case No. 34/2015, pending in the court of the learned C.J.M., Purnea. Anyhow, if he surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)