

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19262 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -SULTANGANJ District-
BHAGALPUR

- =====
1. Md. Guddu @ Guddu @Azad Saheb,
 2. Md. Shahjaha @ Shahjaha,
 3. Md. Golden @ Golden,
 4. Md. Laddu @ Laddu.

All sons of Md. Salim, resident of village-Bilgaury, Police
Station-Sultanganj, in the district of Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioners : Mr. Akhileshwar Pd. Singh, Sr. Adv.
Mr. Prabhu Nr. Sharma, Adv.

For the State : Mr. Ram Chandra Singh (App)

For the Informant : Mr. Praveen Kumar, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 18-05-2016 Heard the parties.

This application, for grant of anticipatory bail,
arises out of Sultanganj P.S. Case No.15 of 2016,
disclosing offences under Sections 341, 323, 307 and
302/34 of the Indian Penal Code.



The victim is an old lady, nearly 70 years of age, who was maternal grand-mother of the informant. Informant's brother, namely, Md. Hamid Ansari, was the husband of the sister of the present petitioners, who had divorced her. It is alleged that in retaliation, these petitioners, who are brothers of the ex-wife of said Md. Hamid Ansari, the brother of the informant, assaulted the deceased with fists and slaps. The victim was taken to hospital and after she was released from the hospital, she died on the same day.

Learned Senior Counsel, appearing on behalf of the petitioners, has submitted that even if the prosecution case, as narrated in the *Fardbeyan*, is treated to be true, no offence, under Section 307 and let alone Section 302 of the Indian Penal Code, is made out against these petitioners. According to him, the deceased died after she was discharged from the hospital and not because of the injuries caused by these petitioners. Learned Senior Counsel has further submitted that, as a matter of fact, the deceased died natural death and these petitioners have been implicated in this case only because of matrimonial dispute between the brother of the informant and sister of these petitioners.

Learned counsel, appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer for anticipatory bail of these petitioners and has submitted that the *post-mortem* report supports the allegation that the deceased had received injuries, which were fatal in nature.

However, considering the facts and circumstances of the case, in totality, and the nature of accusation against these petitioners, this application is allowed. Let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Bhagalpur**, in connection with **Sultanganj P.S. Case No.15 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, abovenamed, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive

occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

U		T	
---	--	---	--