

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23194 of 2016

Arising Out of PS.Case No. -28 Year- 2011 Thana -NAUGACHIA District- BHAGALPUR

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1. Neera Parveen @ Munizara Praveen @ Munizara Begum wife of Md. Jahur Alam
 2. Md. Jahur Alam son of Md. Wahid
 3. Md. Sabeer Alam son of Md. Nuri @ Nuruddin
 4. Nuzhar Bano daughter of Md. Nuru @ Nuruddin All residents of village - Ujani, P.S. - Naugachia, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh
For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-05-2016

Petitioners being brother, brother's wife nephew and niece of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant was married to Md. Zakir ten years prior to the death. It is alleged that the daughter of the informant was burnt by the accused persons and they confined her in a room and escaped from the house. On alarm being raised the neighbour came, broke the door and took out the victim who was taken to the J.L.N.M.C hospital, Bhagalpur and from there to Patna but she succumbed to the injuries.

It is submitted by learned counsel for the

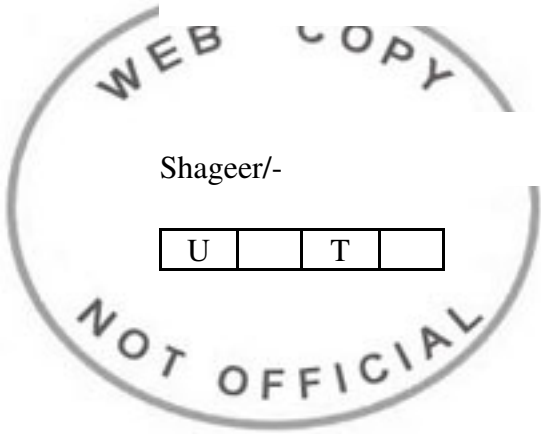


petitioners that though the petitioners were named in the F.I.R but they were not sent up for trial and final form was accepted. Subsequently learned Court below issued summons in exercise of the jurisdiction under Section 319 Cr.P.C vide order dated 29.08.2013. The said order was under challenge in Cr. Misc. No.43017 of 2013, whereby the notices were issued and the operation of the order dated 29.08.2013 was stayed but ultimately the quashing application was dismissed on 01.03.2016 by a coordinate Bench of this Court. Hence, the present anticipatory application has been filed.

Considering the facts that petitioners were not sent up for trial and they have been summoned in exercise of jurisdiction under Section 319 Cr.P.C but the impugned order does not elaborate the evidence which persuaded the learned Trial Court to summon the accused, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned IInd Additional District & Sessions Judge, Naugachia, Bhagalpur in connection with Sessions Trial No. 458 of 2012, arising out of Naugachia P.S. Case No. 28 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Learned Trial Court will be at liberty to cancel

the bail bonds of the petitioners, if the petitioners will default
for two consecutive occasions.



(Dinesh Kumar Singh, J)