

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28827 of 2016

Arising Out of PS.Case No. -201 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Sheikh Nurain son of Sheikh Ali Baksh,
2. Rukhsana Khatoon wife of Sheikh Nurain
Both residents of village- Sheikhauna, P.S- Jagdishpur, District-
West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-07-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Nautan P.S. Case No. 201 of 2014 registered under Section
304B/34 of the Indian Penal Code.

It is submitted that the petitioners being elder brother
and wife of the elder brother of the husband of the deceased had
no concern with the affairs of the deceased and her husband. It is
further submitted that there is allegation in the FIR that the
daughter of the informant was strangled to death but autopsy
report would indicate that no anti mortem external injury was



found on any part of the body nor was any injury found into muscular layer or vessels of neck and after chemical analysis of viscera no poisonous substance was found. In sum and substance, the contention is that the deceased died a natural death and due to dispute relating to *stridhan* a false and fabricated story was concocted and the petitioners being relative of the husband of the deceased have been implicated.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners. He has submitted that from perusal of the impugned order passed by the learned Sessions Judge, West Champaran, Bettiah, it would be evident that the petitioners have got no reasonable apprehension of arrest in the present case.

I have heard respective counsel for the parties and perused the record.

The learned Sessions Judge while passing the impugned order dated 9.5.2010 observed as under:-

“Perused the case diary. As per the police report there appears no material against the petitioners (Para 36 of the supplementary case diary). In this way the petitioners had got not reasonable apprehension of arrest in present.

Under the aforesaid facts and circumstances, the anticipatory bail petition of the petitioners is hereby disposed of as not maintainable.”

Referring to the aforesaid observation of the learned Sessions Judge, learned counsel for the petitioners has submitted that the police are frequently visiting the house of the petitioners and, as such, there a reasonable apprehension of arrest.

Considering the submissions of the learned counsel for the petitioners, in the event of arrest or surrender in the court below within six weeks from today, the petitioners, Sheikh Nurain and Rukhsana Khatoon are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sri N.P.Singh, learned Judicial Magistrate, Bettiah, West Champaran in connection with Nutan P.S.Case No. 201 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Md.S./-

(Ashwani Kumar Singh, J)

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