

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12636 of 2016

Arising Out of PS.Case No. -678 Year- 2015 Thana -SIWAN CITY District- SIWAN

1. Tasrun Nisha, Wife of Akbar Ali
2. Noor Fatma, Daughter of Akbar Ali,
Both Resident of M.M. Colony, P.S. Siwan Town (Sarai O.P.), District -
Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Md. Anis Akhtar &
Mr. Arifdaula Siddiqui, Advocates.
For the Opposite Party-State: Mr. Kalyan Shankar, APP.
For the Informant: Mr. Naresh Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-06-2016 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel appearing on behalf of the
informant.

The petitioners apprehend their arrest in a case under
Sections 302, 120(B), 34 of the Indian Penal Code.

The informant alleged that he received a telephonic
call from Noor Fatma (petitioner no. 2) that his brother Suhail Ali
had come to her house and she requested the informant to take him
away from her house. The brother of the informant was studying
in an Engineering College at Chandigarh. The informant and
others proceeded to the place of occurrence and found that Suhail
Ali was hanging from the railing of the house of petitioners.



Sri Ramakant Sharma, learned senior counsel for the petitioners, submits that petitioner no. 1 is the mother of petitioner no. 2 with whom the deceased was having love affairs. The mother of the deceased has stated that her son was in love with the petitioner no. 2 but the family members of the petitioner no. 2 was not ready to get her married with the deceased. An A.S.P. has supervised the case and found the case true under Section 306 IPC.

On the other hand, learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that the family members of Noor Fatma killed the deceased but, from perusal of the case diary, it appears that there is no eye-witness of the occurrence. The dead body of the deceased was found hanging with the railing and only ligature mark around the neck of the deceased was found. There was no other injury and the cause of death, as opined by the doctor, is asphyxia due to hanging. The petitioners are mother and daughter and the daughter was having love affairs with the deceased.

Considering the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of

receipt / production of a copy of this order, are directed to be enlarged on bail 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 Chief Judicial Magistrate, Siwan, District Siwan in Siwan Town (Sarai OP) P.S. Case No. 678/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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