

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37873 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -BAUSI District- PURNIA

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Ajmeri Khatoon W/o Kazi Sadique R/o Village Purana Ganj, P.S.- Baisi,
District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 21-10-2016 Heard both sides.

The petitioner apprehends his arrest in Baisi P.S.
Case No. 70/2016, registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

The informant, father of the deceased alleged that his
daughter Shahnaz Khatoon, the deceased, was earlier married to
Sarusuddin @ Sararu and she got one son and two daughters from
her first marriage. His daughter fell in love with Kazi Sadique four
years ago and Kazi Sadique took his daughter to Delhi with him.
Kazi Sadique returned from Delhi to his house leaving the
daughter of the informant in Delhi, but his daughter again
returned. Whenever his daughter wanted to enter into the house of
Kazi Sadique, Kazi Sadique and his wife (the petitioner) and other

family members used to assault her and drove her out from the house. Thereafter, she started living with her maternal-uncle. It is alleged that on the date of occurrence she again went to the house of Kazi Sadique and thereafter her dead body was found hanging with a mango tree.

Learned counsel for the petitioner submits that there is no eye witness of the occurrence. From perusal of the case diary it appears that nobody seen the occurrence. The deceased committed suicide. Post-mortem report also corroborates his version that the death is caused by asphyxia due to hanging. The deceased herself had filed a complaint case against her first husband under Section 498A of the Indian Penal Code.

Learned counsel for the informant, however, opposed the prayer of anticipatory bail.

From perusal of the FIR as well as case diary it appears that the petitioner is wife of Kazi Sadique. Kazi Sadique took the deceased to Delhi, but he came to his house leaving her in Delhi. The deceased again came but Kazi Sadique and his wife did not allow her to enter into the house. Even on the date of occurrence, the deceased had gone to the house of Kaji Sadiq and the petitioner but thereafter her dead body was found hanging with a mango tree.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioner above named on anticipatory bail.
Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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