

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42006 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -ISHAKCHAK District- BHAGALPUR

1. Afshan Jabeen, D/o Md. Salauddin Ahmad, W/o Md. Roohullah.
2. Pintoo @ Md. Saba Ahmad Farukh.
3. Guddu @ Md. Shaheen Iqbal.
Both sons of Md. Salauddin Ahmad.
All residents of Mohalla- Zabbarchak (Lal Kothi) Hakim Amir Hassan
Lane, P.S.- Tatarpur, District- Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.45236 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -ISHAKCHAK District- BHAGALPUR

1. Shahida Khatoon, W/o Master Md. Salauddin @ Md. Salauddin.
2. Master Md. Salauddin @ Master Salauddin @ Md. Salauddin @ Md. Salauddin Ahmed, S/o Late Md. Sahabuddin Ahmad.
3. Mintoo @ Md. Ejaz Faisal S/o Master Md. Salauddin @ Md. Salauddin.
All residents of Mohalla- Zabbarchak (Lal Kothi) Hakim Amir Hassan
Lane, P.S.- Tatarpur, District- Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.43169 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -ISHAKCHAK District- BHAGALPUR

1. Zeba Tabassum W/o Late Parwez Alam, D/o Master Salauddin @ Md. Salauddin Ahmad, Resident of Mohalla- Zabbarchak (Lal Kothi) Hakim Amir Hassan Lane, P.S.- Tatarpur, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :
(In Cr.Misc. No.42006 of 2016)
For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh
(In Cr.Misc. No.45236 of 2016)



For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma
(In Cr.Misc. No.43169 of 2016)
For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 13-12-2016 The petitioner seeks permission to withdraw the application on behalf of petitioner No. 3, namely, Minto @ Md. Ejaz Faisal in Criminal Miscellaneous No. 45236 of 2016.

The application in respect of petitioner No. 3 is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Ishakchak P.S. Case No. 58 of 2016 instituted for the offence punishable under Section 306/34 of the Indian Penal Code.

The prosecution case, in brief, is that the nephew of the informant had committed suicide by hanging himself from ceiling fan in his rented house and leaving behind a suicide note alleging torture by his in-laws.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. So far as the **Criminal Miscellaneous No. 42006 of**



2016, petitioner No. 1, namely, Afshan Jabeen, is concerned, who is a married sister-in-law (Sali) and separate in mess and property from the husband of the deceased. Petitioner No. 2 and 3, namely, Pintoo @ Md. Saba Ahmad Farukh and Guddu @ Md. Shaheen Iqbal are concerned, they are the brother-in-laws (Sala) of the deceased and are working in State of Kuwait, in **Criminal Miscellaneous No. 45236 of 2016**, petitioner No. 1, namely, Shahida Khatoon, is concerned, who is the mother-in-law of the deceased and the petitioner No. 2, namely, Master Md. Salauddin @ Master Salauddin @ Md. Salauddin @ Md. Salauddin Ahmed, is concerned, who is the father-in-law of the deceased and in **Criminal Miscellaneous No. 43169 of 2016**, the petitioner, namely, Zeba Tabassum, who is the wife of the deceased. They have falsely been implicated in the present case. There is no material to suggest that they are the abettors.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. There is a suicidal note of the deceased in para-63 of the case diary, which has disclosed the relevant facts in respect of his commission of suicide. As per the said suicide note, the petitioners are the abettors.

Considering the aforesaid facts and circumstances, so far as the **Criminal Miscellaneous No. 42006 of 2016**, petitioner No. 1, 2 and 3, namely, Afshan Jabeen, Pintoo @



Md. Saba Ahmad Farukh and Guddu @ Md. Shaheen Iqbal, let provisional bail granted vide order dated 03.10.2016 to the above three named petitioners is hereby confirmed.

So far as the petitioners are concerned in **Criminal Miscellaneous Nos. 45236 and 43169 of 2016**, I am not inclined to release the above named petitioners on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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