

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2711 of 2017

Arising Out of PS.Case No. -121 Year- 2016 Thana -BAUSI District- PURNIA

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1. Mosam, wife of Mumtaz,
2. Waliman alias Oliman, wife of Zahir,
3. Guddu, son of Zahir,
4. Mumtaz, son of Zahir,
All resident of Village- Majhwa, P.S.- Baisi, District- Purnea.
..... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-02-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

It is submitted that petitioner no. 3 has already been arrested and as such this application for grant of pre-arrest bail on his behalf has become infructuous and prayer has been made to grant permission to withdraw this application on behalf of petitioner no. 3.

Prayer is allowed. Accordingly, this application for grant of pre-arrest bail on behalf of petitioner no. 3 stands dismissed as withdrawn.

Petitioners no. 1, 2, and 4 apprehend their arrest in connection with Baisi P.S. Case No. 121 of 2016 registered for the offence punishable under Sections 304B/34 of the Indian Penal



Code.

Bibi Mausmi, the daughter of the informant was married to Md. Imtiyaz one and half months ago and on 04.08.2016 a person of village Majhwa informed the informant regarding death of his daughter and then he went there and saw his daughter dead and froth was coming out from her mouth and the petitioners were found absent from the house, only Samadhi was present who was very old and ill and it was learnt from the villagers that the petitioners and others have killed her after administering poison to her.

Submission is of false implication and that the informant after knowing the reality has filed petition regarding innocence of the petitioners and others, the petitioner no. 1 is gotini, petitioner no. 2 is mother-in-law and petitioner no. 4 is bhaisur, they are living separately having no concern with the deceased and her husband and as such they deserve sympathetic consideration.

Learned APP submits that now the informant is retracting from his earlier version.

In the facts and circumstances stated above, considering that against the petitioners there is no specific allegation and now the informant is not supporting his earlier version, the petitioners



above named, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 121 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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