

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13695 of 2017**

Arising Out of PS.Case No. -104 Year- 2016 Thana -BELTHAR District-  
WESTCHAMPARAN(BETTIAH)

- =====
1. Dilbahar Sheikh @ Shekh Dilbahar S/o Late Jafaruddin Sheikh
  2. Md. Masoom Ali S/o Dilbahar Shekh @ Shekh Dilbahar
  3. Mahfooz Alam @ Md. Mahfooj @ Md. Mahfooz Alam S/o Dilbahar Shekh @ Shekh Dilbahar
  4. Husne Ara Khatoon W/o Dilbahar Shekh @ Shekh Dilbahar
  5. Mariyam Khatoon W/o Md. Quayum, All are R/o Village-Kharsahwa, P.S.-Balathar, District-West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr. Bimlesh Kumar Pandey, Advocate |
| For the State        | : | Mr. Sri Anant Kumar, Advocate      |
| For the informant    | : | Mr. Anant Kumar Mishra, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      20-04-2017      Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Balthar P.S. Case No. 104 of 2016, registered for offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

The petitioners are the in-laws of the deceased. The case is under Section 302 IPC.

It has been submitted on behalf of the petitioners that the deceased died during the course of treatment and though there is allegation against the petitioners that they have brutally



assaulted the deceased but not a single injury was found on the person of the deceased in the post mortem report. The post mortem report is annexed as Annexure-3 which clearly shows that there was no external injury on the person of the deceased, moreover, the petitioners are in-laws.

Heard learned A.P.P. as well as learned counsel for the informant who have opposed the prayer for bail.

Having heard both sides and in view of the fact that the petitioners are in-laws and there was no external injury on the person of the deceased, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Sri N.P. Singh, Judicial Magistrate 1<sup>st</sup> Class, West Champaran, Bettiah in connection with Balthar P.S. Case No. 104 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or



tamper with the evidence.

- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail bonds.

With the aforesaid observation, this application is  
allowed.

**(Vinod Kumar Sinha, J)**

S.Pandey/-

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