

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23403 of 2017

Arising Out of PS.Case No. -93 Year- 2011 Thana -KAHALGAON District- BHAGALPUR

- =====
1. Md. Gufran Ali @ Md. Ali.
 2. Md. Rizwan
Both Sons of Late S. K. Hakik @ Hakik, Both Residents of Village-Dewan Chak, Khutahara, POlice Station-Mehrma in the District of Godda (Jharkhand).
 3. Bibi Manisha, Wife of Mir Maqbool, Resident of Village-Karikoda, Police Station-Kahalgon (Shiv Narayanpur) in the District of Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Prasad Singh, Sr. Advocate
	:	Mr. Bimal Kumar No. 2, Advocate
For the State	:	Ms. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-07-2017

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

2. The petitioners apprehend arrest in Kahalgaon (Shiv
Narayanpur) P.S. Case No. 93 of 2011 dated 11.03.2011 instituted
under Sections 302/34 of the Indian Penal Code.

3. The facts of the case are strange and peculiar. The
informant had lodged a case against his son-in-law and his other
family members regarding killing of his daughter. However, during
investigation, the police had found the said allegation to be false and



instead had made the informant accused, including the present petitioners. The petitioner no. 3 is the wife of the informant and mother of the deceased whereas the petitioners no. 1 and 2 are the brothers of the petitioner no. 3.

4. Learned counsel for the petitioners submitted that the husband of the deceased i.e., the son-in-law of the informant and petitioner no. 3 had gained over the police and they have given him clean chit and have in fact, made the petitioners and the informant an accused for extraneous consideration. Learned counsel submitted that there cannot be any question of honour killing when the deceased was married in the year 2008 and she was left by her husband due to which she filed a case and during the period the husband had remarried another lady and thus, after the daughter of the informant went to live in the matrimonial home, she had gone away with another person and the said person had brought her back to the parental home. Learned counsel submitted that besides the theory of the police being absurd, the petitioners have no criminal antecedent.

5. Learned A.P.P. submitted that the police has come to the conclusion that the petitioners and the informant had killed the deceased.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of



arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing 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, Bhagalpur in Kahalgaon (Shiv Narayanpur) P.S. Case No. 93 of 2011, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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