

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35389 of 2016

Arising Out of PS.Case No. -170 Year- 2011 Thana -RAHIKA District- MADHUBANI

- =====
1. Subaida Khatoon @ Simari Bali, wife of Md. Suleman,
 2. Md. Suleman Son of late Md. Abdullah, resident of Village Chandrasenpur, P.s. Rahika District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 22-02-2017

Heard learned counsels for the petitioners

and the State.

The petitioners being the parents of the husband of the victim have renewed their prayer for anticipatory bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The accusation is of killing the sister of the informant after eight months of the marriage when petitioner no. 2, mother of the husband of the victim, floated rumour that the victim died due to cold but the post-mortem report reflects four injuries.

Considering the aforesaid facts, this Court rejected the prayer for anticipatory bail of the petitioners vide



order dated 07.12.2012 passed in Cr. Misc. No. 35268 of 2012. Now, the petitioners have renewed their prayer for anticipatory bail on the ground that the husband of the victim has been acquitted by learned trial court vide judgment dated 09.10.2015 passed in Sessions Trial No. 588 of 2012. Statement to that effect has been made in paragraph no. 11 of the petition.

Since the earlier anticipatory bail application of the petitioners was rejected in 2012 and the prayer has been renewed after four years, this Court is not inclined to revise the earlier order.

In the circumstances, let the learned court below consider the prayer for bail of the petitioners keeping in view of the fact that the husband of the victim has been acquitted, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Rahika P.S. Case No. 170 of 2011 pending in the court of learned Chief Judicial Magistrate, Madhubani.

Accordingly, this application is disposed of with the above observation and direction.

(Dinesh Kumar Singh, J)

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