

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13082 of 2017

Arising Out of PS.Case No. -171 Year- 2016 Thana -PUPRI District- SITAMARHI

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1. Saleha Khatoon, Wife of Md. Jamshed Rayeen, resident of Village Pupri, Police Station- Pupri, District- Sitamarhi.
 2. Md. Munna, Son of Md. Manzoor Rayeen.
 3. Md. Kale alias Md. Mumtaz, S/o Md. Manzoor Rayeen,
 4. Azmeri Khatoon, Daughter of Md. Manzoor Rayeen,
 5. Angoori Khatoon, Daughter of Md. Manzoor Rayeen,
- All Residents of Village- Pandehiya, Police Station- Belsand, District- Sitamarhi, at present of Village- Pupri, Ward No. 07, Police Station- Pupri, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Shamimul Hoda, Advocate.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-04-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Pupri P.S. Case No. 171 of 2016 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

As per *Fard-beyan*, petitioner Nos. 2 and 3 along with Jamshed Rayeen and Md. Manjoor Rayeen, assaulted Israil Rayeen brutally, on account of which, he died in Hospital.

Case diary has been received.

In the post mortem report, doctor has opined cause of death to be head injuries caused by hard and blunt substance.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner Nos. 2 and 3 namely, Md. Munna and Md. Kale @ Md. Mumtaz.



Prayer for anticipatory bail of the petitioner Nos. 2 and 3 stands rejected.

So far petitioner Nos. 1, 4 and 5 are concerned, there is no allegation of specific overt act against them. They are ladies. Therefore, prayer for anticipatory bail of petitioner Nos. 1, 4 and 5 namely, Saleha Khatoon, Azmeri Khatoon and Angoori Khatoon is allowed. In the event of surrender/arrest of the petitioners No. 1, 4 and 5, named above, within six weeks from today, in connection with Pupri P.S. Case No. 171 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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