

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32945 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -CHHATAPUR District- SUPAUL

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1. Md. Tahir Son of late Rabbia @ late Rabbi
2. Mosomat Rasidani Khatoon @ Rasidan Khatoon Wife of late Md. Rabbia @ late Rabbi Both 1 and 2 Resident of Village Parsa Birban, P.S. Chhatapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 20-07-2017 Heard the Counsel for the petitioner and the APP for the State.

Petitioner no. 1 is the son of petitioner no. 2. Both of them are named in the F.I.R. along with others registered under Sections 302, 201, 447, 506 and 120B of the Indian Penal Code.

The prosecution case is that co-accused Md. Ibrahim had strong suspicion that the deceased was having affairs with his wife. On the date of occurrence, the deceased had accompanied Md. Ibrahim, Md. Jainul and petitioner no. 1. The following day, the dead body was found.

Learned counsel submits that petitioner no. 2 has been named only on suspicion being the mother of co-accused Md. Tahir. The motive assigned by the informant is against Md.



Ibrahim. She was not seen going with the deceased.

Considering the submissions made on behalf of the petitioners, petitioner no. 2 is directed to be released on anticipatory bail. Prayer for anticipatory bail made on behalf of petitioner no. 1 is rejected.

In the event of arrest or surrender in the Court below within four weeks, the petitioner No. 2 abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Supaul in Chhatapur P.S. Case No. 35 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition that one of the bailers shall be the own/close family members of the petitioner.

(Kishore Kumar Mandal, J)

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