

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54895 of 2017

Arising Out of PS.Case No. -403 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Noor Nessa @ Noor Nesa Khatoon, Wife of Samsad Miyan, resident of Village- Bhojpurwa, P.S.- Manjhagarh, District- Gopalganj. At present resident of Village- Pathra, P.S.- Manjhagarh, District- Gopalganj.

2. Noor Tara @ Noor Tara Khatoon, Daughter of Khursheed Miyan, resident of Village- Bhojpurwa, P.S.- Manjhagarh, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Amin Miyan, Son of Sri Mohammad Miyan, resident of Village- Bhojpurwa, P.S.- Manjhagarh, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 21-11-2017 Heard learned counsel for the petitioners and

the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 403 of 2014 registered under Sections 302 and 120/34 of the Indian Penal Code.

The accusation is that Kitabuddin, son of the informant, was moved to his house on 12.06.2008, but he did not return. On 13.06.2008, the dead body of his son was recovered sustaining cut injury at his neck.



Learned counsel for the petitioner submits that it would appear from the F.I.R. that on the basis of written report of Md. Amin, Gopalganj P.S. Case No. 130 of 2008 was instated under Section 302 of the Indian Penal Code against unknown, but on investigation, the police submitted the final form arriving at conclusion that case is true but no clue was found. Thereafter, the informant-opposite party no. 2 filed the protest petition, which was treated as Complaint Case No. 403 of 2014, showing both petitioners as accused in accused column, but no specific overt act was attributed against them. It is further submitted that co-accused, Sabrun Nesa @ Sabrun Nesha has already been granted privilege of anticipatory bail by a Bench of this Court vide order dated 19.02.2016 passed in Criminal Misc. No. 7483 of 2016.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj,



in connection with Complaint Case No. 403 of 2014,
subject to the condition as laid down under Section 438(2)
of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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