

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44584 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. AFJAL MIAN @ MD. AFJAL
 2. Kayamuddin Mian
 3. Nasir Mian @ Nasruddin Mian @ Md. Nasruddin All sons of Sultan Mian Resident of Village-Jagdishpur, P.S. Sahebganj, District Muzaffarpur
 4. Safina Khatoon @ Lothai @ Lomai wife of Sarfuddin, daughter of Sultan Mian Resident of Village- Karhan Bairiya, Police Station Keshariya, District Motihari (East Champaran)
 5. Hasina Khatoon Wife of Barik Mohammad, daughter of Sultan Mian Resident of Village-Raipur Kesariya, Police Station Kesariya, District East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 21-06-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Sahebganj P.S. Case No. 102 of 2016 for the offences punishable under sections 302, 34 and 201 of the I.P.C.

Allegedly, Safeena Khatoon was married with Tainul Mian eight years ago and due to non fulfillment of demand of dowry by way of cash and motorcycle the petitioners and other in-



laws killed her and buried the dead body.

Submission is of false implication and that the informant got information regarding death of her daughter on 11.05.2016 itself but the FIR has been lodged on 16.05.2016 i.e. after five days, the informant was pressurizing to give heavy amount and on refusal she lodged this false case, due information was given to the informant regarding death of her daughter and in her presence the dead body was buried, the petitioner nos. 1 to 3 are Devers and petitioner nos. 4 and 5 are married Nanads of the deceased having no concerned with the family affairs of the deceased and her husband, out of the wedlock there were eight children out of whom six are alive and as such the allegation of demanding money and motorcycle appears after thought, nothing was ever demanded, the deceased died due to illness after operation of family planning and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that during investigation the allegations have been found true against the petitioners also.

In the facts and circumstances as stated above, considering that the petitioners are Devers and married Nanads and they have claimed that they are living separately since long



from the deceased and her husband having no concern and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. S.D.J.M. West Muzaffarpur in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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