

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49451 of 2016

Arising Out of PS.Case No. -142 Year- 2016 Thana -RIGA District- SITAMARHI

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1. Habib Ansari Son of Late Hakim Ansari
2. Maibul Bibi Wife of Habib Ansari null
3. Khurshaid Ansari Son of Habib Ansari
4. Jiyaul Ansari @ Jiyabul Ansari Son of Habib Ansari All resident of village- Rampur Gangauli, P.S. Riga, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-01-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Riga P.S. Case No. 142 of 2016 for the offences punishable under sections 304-B/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law and petitioner nos. 3 and 4 are brother in law of the deceased lady. It has further been submitted that no specific allegation has been leveled against the petitioners in the first information report and there is general and omnibus allegation against them. It has further been submitted that from the materials collected during



investigation it would appear that the witnesses have stated that the brothers of the husband of the deceased are living out side and not in the village and petitioner no. 1 is a tailor and to earn his livelihood he remains outside the house for the whole day.

Heard learned A.P.P. also who has opposed the prayer for anticipatory bail.

Having heard both sides and in view of the materials available in the case diary that petitioner nos. 3 and 4 are living outside the village, they , in the event of arrest or surrender in the court below within four weeks from today, shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Shri A. K. Singh, Additional Chief Judicial Magistrate, 3rd, Sitamarhi in connection with Riga P.S. Case No. 142 of 2016 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973 with further condition that they will cooperate in the investigation of the case and shall make themselves available before the police during investigation as and when required.

So far as petitioner nos. 1 and 2, are concerned, they, in the event of their arrest or surrender in the court below within four weeks from today, shall be enlarged on provisional bail till



the submission of the charge-sheet on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri A. K. Singh, Additional Chief Judicial Magistrate, 3rd, Sitamarhi in connection with the aforesaid case subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973 with further condition that they will cooperate in the investigation and shall make themselves available before the police during the course of investigation as and when required . After the charge-sheet is submitted against petitioner nos. 1 and 2, they will surrender in the court below and pray for regular bail which will be considered and decided on the basis of the materials available in the case diary at that stage.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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