

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57719 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -INDUSTRIAL District- BHAGALPUR

- =====
1. BIBI SAHIDA @ BIBI RASHIDA, W/o Md. Afroz,
 2. Md. Afroj S/o Late Md. Down, Both R/o Village- Fatahpur, P.S.- Industrial Area, District- Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Syed Masleh-Uddin Ashraf, Advocate.

For the Opposite Party : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-01-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 498(A), 307 and 120(B)/34 of the IPC. Later on, Section 304(B) of the IPC.

The prosecution story, in brief, is that on the order of accused Bibi Mansuri, who is mother-in-law of the informant, the petitioners who are married Nand and Nandoi of the informant, all the accused, poured Kerosene Oil and burnt the match and fired the body of the informant. It is alleged that the informant admitted in hospital on 15.02.2017 at 2.30 P.M. and later on she died in course of treatment.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. No motive has been alleged against the petitioners. The petitioner no. 1 is a lady. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. F.I.R. is the dying declaration of the deceased which is admissible piece of evidence where she has made a specific allegation against these two petitioners for letting fire on the body of the deceased. The petitioners are married *Nanad* and *Nandoshi* of the deceased. The husband has not been made accused in the present case as no allegation of assault has been alleged against the husband of the deceased. The witnesses in paragraph nos. 12, 19 and 21 of the case diary have made specific allegations against the petitioners.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Industrial Area P.S. Case No. 17 of 2017, pending in the court of learned C.J.M. Bhagalpur. If the petitioners surrender in the court below within a period of six



weeks from the date of order and file regular bail application the same shall be considered by the learned court below on its own order without being prejudiced by this order of the Court.

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(Sudhir Singh, J)

