

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1910 of 2018

Arising Out of PS.Case No. -694 Year- 2017 Thana -PHULWARI District- PATNA

- =====
1. Basharat Karim, Son of Md. Inayat Karim
 2. Anjum Parween, Wife of Basharat Karim Both residents of Mohalla -
Milkiyana, P.S. - Phulwarisharif, District Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 15-01-2018

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners, being the elder brother and his wife of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

The prosecution case as per the written report of Basharat Hussain dated 02.11.2017 submitted to the SHO, Phulwari Police Station, is to the effect that the informant married his daughter Nasrin Naz @ Pinki with Raja Karim. The husband of the victim used to demand money from the informant. In 2014 at the time of going to Saudi Arab for



employment, Rs.Two lakhs was demanded, but the informant gave Rs.One lakh only. The husband of the victim returned on 2nd October, 2017 and began torturing the informant's torture his daughter for the rest Rs. One lakh. On 01.11.2017 the petitioners and sister of the husband of the victim assaulted the victim as a result the victim committed suicide. The information was given to the informant by his younger son-in-law on 02.11.2017 at 7.00 A.M. when they found the victim hanging with the ceiling fan.

It is submitted by learned counsel for the petitioner that even as per the FIR the thrust of accusation is only against the husband of the victim i.e. Raja Karim. Though, it is alleged that on 01.11.2017, the victim was assaulted, in which the petitioners also participated but there is no medical report on record, to suggest that any assault was made on 01.11.2017. It appears that this part of accusation is also does not get corroborated with the post-mortem. However, the findings recorded in the post-mortem report, has not been deliberated by learned Additional Sessions Judge in the impugned order. Petitioner no. 1 is a government servant and is ready to cooperate in the investigation.

Considering the thrust of demand and



torture against the husband of the victim, as also the claim of the petitioners to be separate in Mess from the husband of the victim, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-XV –cum- ACJM, Patna in connection with Phulwari Sharif P.S. Case No. 694 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will be at liberty to cancel the bail bonds of the petitioners, if they fail to cooperate in the investigation or fail to appear regularly before the learned Court below.

(Dinesh Kumar Singh, J)

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