

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21205 of 2018

Arising Out of PS. Case No.-220 Year-2017 Thana- JOGBANI District- Araria

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1. Md. Jabbar, Son of Late Md. Somi
 2. Mariyam @ Mariyam Khatoon @ Tetri, Wife of Md. Jabbar
- Both are resident of Village - Nagarmora (Mirganj) Ward No. 07,
Police Station - Jogbani, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners, being the parents of the husband of the informant, are apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Jaibul Khatoon, recorded by S.I. Amit Kumar, Jagbani Police Station on 18.12.2017 at 8.30 hours, to the effect that the informant performed the marriage of her daughter Raushan Khatoon @ Bechni about 10 years prior to the occurrence with Md. Umar, the son of the petitioners. Subsequently, they were blessed with two sons and one daughter, but immediately after the marriage, the torture was inflicted upon the daughter of the



informant by in-laws family members. However, several efforts were made to reconcile the issue, but it could not be reconciled. On 18.12.2017, at 7.00 P.M., the informant came to know that her son-in-law and other family members have killed her daughter, then the informant went to in-laws house of her daughter, where, she found her daughter's dead body with injury marks on the forehead, left eye, back and waist.

It is submitted by learned counsel for the petitioners that admittedly the informant is neither an eye witness to the occurrence, nor does the informant has claimed in the FIR that anybody saw the occurrence. Hence, the accusation is made on the basis of suspicion. The thrust of accusation is against the husband of the daughter of the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State the petitioners are named in the FIR.

Considering the fact that neither the informant is eye witness to the occurrence, nor has she claimed in the FIR that anyone else is the eye witness to the occurrence, coupled with statement made in paragraph no.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 12 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 learned ACJM-1, Araria in connection with Jogbani P.S. Case No.220/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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