

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54850 of 2018

Arising Out of PS. Case No.-168 Year-2017 Thana- NAUGACHIA District- Bhagalpur

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1. Nazma Khatoon, D/o Md. Kalam,
 2. Angoori Khatoon W/o Md. Salam,
- Both R/o Vill.- Chand Nagar Nawada, P.S.- Naugachia, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

3 05-11-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in a case registered under Sections 341, 323, 504, 506, 379, 427, 302/34 of the Indian Penal Code.

As per allegation set out in the FIR, there was altercation between the daughter of the informant and the informant's other family members. The daughter of the informant Sakila Khatoon started abusing and assaulting the informant. In the meantime, co-accused Md. Kalam and Md. Salam also came and started abusing and assaulting her son Md. Kashim (deceased), who came there to pacify everybody. Thereafter, the injured Md. Kashim died and Section 302 of the



Indian Penal Code was also added. However, on the basis of the statement of the informant before the police, the FIR was registered and investigation started.

It is contended that from perusal of paragraph 33 of the case diary, it appears that later on the fardbeyan of the daughter-in-law of the informant, namely, Sahana Begum was recorded in which she has stated that the petitioners also participated in assault.

It is contended on behalf of the petitioners that they are not named in the FIR and it is intriguing as to how after registration of the FIR, a fardbeyan of daughter-in-law of the informant could have been recorded. The same would have to be considered as her statement recorded under Section 161 Cr.P.C. It is alleged that the fardbeyan was recorded after three days of the occurrence, i.e., even after the death of the deceased, who was allegedly assaulted on 02.08.2017 and died in the night of 04.08.2017. It is stated in the fardbeyan itself that the petitioners were living in the same house or adjacent house. It means that the accused side as well as the informant's side are well known to each other even then their name did not appear in the FIR and only after the death of the deceased, such fardbeyan was recorded on 5.08.2017. It is further contended that the FIR named co-accused Sakila Khatoon and Md. Kalam have already



been granted bail by different co-ordinate Benches of this Court vide orders dated 08.05.2018 and 16.03.2018 passed in Cr. Misc. Nos. 25335 of 2018 and 8426 of 2018 respectively. It is also contended that in the order dated 16.03.2018 passed by a co-ordinate Bench of this Court, it has been noticed that in view of the post- mortem report, the death was caused due to septicemia as proper treatment was not done. It is urged that the petitioners are ladies.

Having regard to the aforementioned facts and circumstances of the case, let the petitioners above-named be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of six weeks from today in connection with Naugachia P.S. Case No. 168 of 2017 on furnishing bail bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Naugachia, Bhagalpur subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, ACJ)

V.K.Pandey/-

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