

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63449 of 2018

Arising Out of PS. Case No.-117 Year-2018 Thana- KALUAHI District- Madhubani

1. Md. Rijban @ Md. Rijwan Shah @ Rijwan S/o Late Suleman Shah
2. Md. Irfan Shah @ Md. Irfan S/o Late Suleman Shah
3. Sadre Alam Sah @ Sadre Alam Shah S/o Akhtar Shah @ Md. Akhtar
4. Shabila Khatoon @ Shavila Khatoon W/o Late Suleman Shah
5. Afsari Khatoon W/o Sadve Alam Sah @ Sadve Alam Shah
6. Fekani Khatoon @ Fekani @ Rabina Khatoon W/o Jilani Shah
7. Samina Khatoon @ Shamina Khatoon W/o Jailani Sah All are resident of Village-Keyota Fakir Tol, P.S. Kaluahi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 63770 of 2018

Arising Out of PS. Case No.-117 Year-2018 Thana- KALUAHI District- Madhubani

Md. Akhtar @ Md. Akhtar Shah, S/o Late Hamid Shah, resident of Village-Keyota Fakir Tola, P.S. Kaluahi, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 63449 of 2018)

For the Petitioners : Mr. Sanjay Kumar, Advocate

For the Opposite Party : Mr. Lalan Kumar, Advocate

(In Criminal Miscellaneous No. 63770 of 2018)

For the Petitioner : Mr. Sanjay Kumar, Advocate

For the Opposite Party : Mr. Mukesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 30-10-2018 Both the bail petitions have been heard together as they arise out of the same FIR.

The petitioners in both the petitions seek bail in



anticipation of their arrest in connection with Kaluahi P.S. Case No. 117 of 2018 dated 10.07.2018 instituted for the offences under Section 302/34 of the Indian Penal Code.

The son of the deceased/Momina Khatoon had filed a complaint before the Sarpanch with respect to partition of the property, which was protested against by the accused persons. When the deceased was confronted as to why complaint was lodged by her son, the deceased is said to have stated that after the death of her husband, her share in the property has not been given and therefore her son had no other option but to raise a complaint. This infuriated the accused persons and it has been alleged that all of them started assaulting the deceased/Momina Khatoon leading to her death. So far as the specific allegation of assault is concerned, it is attributed to petitioners Md. Rijban @ Md. Rijwan Shah @ Rijwan and Md. Irfan Shah @ Md. Irfan in Cr. Misc. No. 63449 of 2018 and Md. Akhtar @ Md. Akhtar Shah, the sole petitioner in Cr. Misc. No. 63770 of 2018.

During the course of argument, a copy of the post-mortem report was furnished by the learned counsel for the petitioners. It has been taken on record.

The post-mortem report reveals that specific



assault perpetrated by the aforementioned petitioners led to two injuries on the person of the deceased.

Under such circumstances, the prayer for anticipatory bail of Md. Rijban @ Md. Rijwan Shah @ Rijwan and Md. Irfan Shah @ Md. Irfan in Cr. Misc. No. 63449 of 2018 and Md. Akhtar @ Md. Akhtar Shah in Cr. Misc. No. 63770 of 2018 are hereby rejected.

So far as the other petitioners are concerned, the allegation is absolutely general in nature. Learned counsel for the petitioners has submitted that they have been named in the FIR because they happen to be the sympathizers of the other co-sharers of the property.

Considering the general nature of allegation against the rest of the petitioners viz. Sadre Alam Sah @ Md. Sadre Alam Shah, Shabila Khatoon @ Shavila Khatoon, Afsari Khatoon, Fekani Khatoon @ Fekani @ Rabina Khatoon and Samina Khatoon @ Shamina Khatoon are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhubani in connection with Kaluahi P.S.



Case No. 117 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both the bail petitions are accordingly disposed off.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

