

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5989 of 2019

Arising Out of PS. Case No.-279 Year-2017 Thana- ARARIA District- Araria

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FIROZA KHATOON, wife of Safique, Resident of Village- Dumra, Ward No.
10, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302 and 34 of the
Indian Penal Code.

The prosecution case as per the fardbeyan of Juloshan
Khatoon, recorded on 30.04.2017, by S.I., Ashok Singh, Araria
P.S. is to the effect that the petitioner and other FIR named
accused persons brutally assaulted the sister of the informant,
Bibi Sharifa. It is further alleged that when the informant tried
to rescue her sister, all the accused persons also assaulted the
informant. On alarm being raised, neighbouring people came
and thereafter all accused persons escaped from the scene.



Subsequently, the sister of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against all the accused persons and in the background of earlier family dispute, the accusation has been levelled against the petitioner. It is further submitted that during trial of co-accused persons, witnesses have not supported the accusation. Moreover, two other co-accused persons, namely Safique and Abdulla have been acquitted by the learned 2nd Additional Sessions Judge, Araria vide judgment dated 12.10.2018 passed in Sessions Trial No. 07 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR.

Considering the fact that the trial of the petitioner must have been executed when the co-accused persons were put on trial, this Court is not inclined to grant him bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected, in connection with **Araria P.S. Case No.279 of 2017**, pending in the Court of learned **Chief Judicial Magistrate, Araria**.



Let the learned Court below consider the prayer of regular bail of the petitioner if he surrenders before the learned Court below within a period of four weeks in connection with the aforementioned case.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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