

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26518 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- KUCHILA District- Kaimur (Bhabua)

1. RAJU ANSARI @ MD. SAIF ALI Son of Tasauwar Ansari Resident of Village - Khiri , P.S.- Rajpur, Distt.- Buxar.
2. Najma Bibi Wife of Tasauwar Ansari Resident of Village - Khiri , P.S.- Rajpur, Distt.- Buxar.
3. Amirun Khatoon W/o Salamu Miya, D/o Tarauwar Ansari Resident of Village - Khiri , P.S.- Rajpur, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 25-07-2019 Learned counsel for the petitioners seeks permission to withdraw this petition in respect of petitioner no.1 Raju Ansari @ Md. Saif Ali submitting that the petitioner no.1 Raju Ansari @ Md. Saif Ali has been arrested during the pendency of this case.

Permission is granted.

Accordingly, this petition is dismissed as withdrawn in respect of petitioner no.1 Raju Ansari @ Md. Saif Ali only.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kuchilla P.S. Case no. 02 of 2019, registered



under Sections 302, 120B, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Husband of the informant is said to have been gunned down by some unknown miscreant in the night while he was asleep. Informant spotted Akhtar Khan fleeing from the place of occurrence. Further allegation is that the brother-in-law (devar) of the informant namely Salamuddin Ansari had performed second marriage with Amirun Khatoon with whom Akhtar Khan has developed illicit relation whereupon the informant and her family members have driven her out of her house. Said Akhtar Khan, petitioners and other accused persons used to lend support to her and extended threatening to the informant over not keeping the said lady in her house.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. Informant has not seen the occurrence rather spotted Akhtar Khan fleeing from the place of occurrence after the occurrence. Petitioners have been falsely implicated in the case merely because they used to lend support to Amirun Khatoon who had been forcibly driven out of her marital house by the informant and her family members being co-villagers bonafidely. There is no eye witness of the occurrence. They have no criminal antecedent. Similarly



situated co-accused namely Md. Pintu Khan, Shaukat Khan, Md. Sagir Khan and Hydar Khan have been enlarged on anticipatory bail by this Court vide order dated 19.04.2019 passed in Cr. Misc. No. 25153 of 2019.

On the other hand, learned APP for the State has frankly submitted that it is the Akhtar Khan who has gunned down the husband of the informant and petitioners have only extended threatening over not keeping Amirun Khatoon at her house.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 A.C.J.M.- III, Kaimur at Bhabua in connection with Kuchilla P.S. Case no. 02 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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