

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31273 of 2019

Arising Out of PS. Case No.-85 Year-2017 Thana- KURTHA District- Jehanabad

1. ASHIQUE MIAN @ Ashique Alam Son of Late Bhattu Mian Resident of Village - and P.O.- Kurtha, P.S.- Kurtha, Dist.- Arwal
2. Bashim Alam Son of Ashique Mian Resident of Village - and P.O.- Kurtha, P.S.- Kurtha, Dist.- Arwal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-07-2019

Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with Kurtha P.S.Case No.85 of 2017 , registered for offences punishable under Sections 328/34 of the Indian Penal Code.

As per FIR, there is allegation that the petitioner no.1 proposed for a *panchayat* to marry his son who has committed rape upon Tabassum Praveen, daughter of the informant but during the *pachayati*, father (petitioner no.1), mother of Khalid and two maternal uncles did not agree for marriage and the informant has also alleged that in the night the accused persons including the petitioner came to the house of the informant and started abusing her and asked her daughter to



take poison. It is also alleged that her sister disclosed that the mother of the Khalid had given two tablets which she had consumed and thereafter she was taken to the hospital where she died.

Submission of the learned counsel for the petitioners is that even according to the FIR poisonous tablets were given by the wife of the petitioner no.1 and the petitioners were pressurising her to eat it but no specific allegation has been attributed against the petitioners.

Heard learned A.P.P. who has opposed the prayer for bail stating that the name of the petitioners also transpired in the FIR and there is allegation against them also that they had gone to the house of the informant and the FIR itself disclose that aluminum phosphide was found in the viscera report..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Jehanabad in connection with Kurtha P.S.Case No.85 of 2017,



subject to conditions as laid down under Section 438 (2) of the
Code of Criminal Procedure.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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