

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.680 of 2019

Arising Out of PS. Case No.-316 Year-2018 Thana- KADWA District- Katihar

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1. Nikhat Ara, Wife of Maulvi Mojibur Rahman Vill-Khari, P.S-Balia Belon, Distt.-Katihar
 2. Habibur Rahman, son of Late Alimuddin Vill-Khari, P.S-Balia Belon, Distt.-Katihar

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand

For the Opposite Party/s : Mr.Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-02-2019 This application, for grant of anticipatory bail, arises out of Kadwa (Baliya Belon) P.S. Case No. 316/2018, disclosing offences under Sections 302/120(B) of the Indian Penal Code.

Allegation against the petitioners is of strangulating the sister of the informant to death.

Submission of learned counsel for the petitioners is that the informant is not the eye witness of the occurrence and no such occurrence as alleged in the F.I.R has ever taken place and in fact the deceased has committed suicide by hanging herself. Further submission that witnesses has not supported the case of prosecution, which will appear from paragraphs 18 and 19 of the case diary and the supervision note also does not support the allegation.



Learned counsel for the State could not controvert the above submission of learned counsel for the petitioners.

Having heard both sides, in view of the above facts, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Kadwa (Baliya Belon) P.S. Case No. 316/2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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