

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36255 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- WAJIRGANJ District- Gaya

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Javed Khan Son of Nasir Khan Resident of Village - Bhareti Wagirganj, P.S.-
Wagirganj, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 46522 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- WAJIRGANJ District- Gaya

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Sadam Khan Son of Nasir Khan Resident of Village - Bhareti Wazirganj, P.S.-
Wazirganj, Distt - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 36255 of 2019)

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr.Anita Kumari

(In CRIMINAL MISCELLANEOUS No. 46522 of 2019)

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr.Suresh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

6 20-11-2019 Supplementary affidavit is filed on behalf of the

petitioner in Cr. Misc. No. 36255 of 2019. Let it be kept on

record.

Both the above stated petitions arise out of Wazirganj

P.S. Case No. 06 of 2019 registered under Section 302/34 of the

Indian Penal Code.



Cr. Misc. No. 36255 of 2019 has been filed under Sections 439 and 440 of the Cr.P.C. on behalf of the petitioner Javed Khan for grant of regular bail whereas Cr. Misc. No. 46522 of 2019 has been filed under Section 438 of the Cr.P.C. on behalf of the petitioner Sadam Khan for grant of anticipatory bail.

Admittedly, both the above stated petitioners are brother of husband of the deceased and general allegation of pouring k-oil and setting fire on the deceased has been levelled against them.

Admittedly, neither informant nor a single prosecution witnesses, who were examined in course of investigation, had occasioned to see the alleged occurrence as the deceased was caught in fire in the house of the petitioners.

Learned counsel appearing for the petitioners submits that deceased was caught in fire accidentally while she was cooking meal but the investigating officer suppressed the aforesaid fact and did not take pain to go in the kitchen of the deceased. He further submits that moreover, one co-accused, namely, Ishrat Khatoon was granted anticipatory bail provisionally vide order dated 20.06.2019 and subsequently, vide order dated 16.09.2019 passed in Cr. Misc. No. 37445 of



2019 the aforesaid provisional bail was confirmed by a co-ordinate Bench of this court.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that there is specific allegation against the petitioners and others that they lit fire on the body of the deceased.

Para 55 of the case diary goes to show that investigation against the petitioner in Cr. Misc. No. 36255 of 2019 has already been completed whereas investigation against the petitioner in Cr. Misc. No. 46522 of 2019 has been kept pending.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let petitioner in Cr. Misc. No. 36255 of 2019, namely, Javed Khan is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st, Gaya in connection with Wazirganj P.S. Case No. 06 of 2019.

Similarly, it is ordered that petitioner in Cr. Misc. No. 46522 of 2019, namely, Sadam Khan, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on



furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st, Gaya in connection with Wazirganj P.S. Case No. 06 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

In the aforesaid manner, both the above stated petitions stand disposed of.

(Hemant Kumar Srivastava, J)

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