

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52790 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- GAYA MUFASIL District- Gaya

1. Salma Khatoon, Wife of Late Anwar Hussain Resident of Village - Nadraganj, P.S.- Civil Line, Dist.- Gaya.
2. Mohammad Anwar, Son of Abdul Mansuri Resident of Village - Shahmir Takiya, Masjid Gali, P.S.- Civil Line, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Muffasil P.S. Case no. 34 of 2019, registered under Sections 302, 201 and 120(B) of the Indian Penal Code.

The accusation is that Md. Wasim @ Pintu, elder son of the informant in the evening of 28.01.2019 on receiving call on mobile, moved from the house, but he did not return in late night, while informant and his family members tried to contact on mobile of his elder son, but his mobile was found switched off. On the next morning, when informant started search of his son Md. Wasim @ Pintu and made query about



his son to his neighbour Mukhtar then he replied that he does not talk with Md. Wasim @ Pintu. In the meantime, rumour spread in the village about lying of dead body then informant and his other family members went there and found dead body of his son Md. Wasim @ Pintu in pool of blood. When informant and other think about murder of his son then came to know that his first wife Rijwana Khatoon due to quarrel behaviour used to reside at her Myaka. The in-laws of the deceased were seeking divorce from him on payment of Rs. 20 Lakhs. Thereafter, son of the informant performed his remarriage due to fed up with behaviour of his first wife. Thereafter, Rijwana Khatoon, wife of Md. Wasim @ Pintu, at the instigation of petitioners lodged the criminal case under Dowry Prohibition Act. On one occasion, Rijwana Khatoon and her other family members came in the village of informant and committed Marpit with him.

Learned counsel for the petitioners submits that, in fact, petitioners are mother and maternal uncle of Rijwana Khatoon, wife of deceased, son of informant, and son of informant and his other family members used to torture Rijwana and son of informant performed remarriage due to that reasons, Rijwana filed a case under Dowry Prohibition Act due



to that reasons taking advantage of murder of Md. Wasim @ Pintu the informant implicated the petitioners in this case. The petitioners have no criminal antecedent.

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) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 34 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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