

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 49523 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- MANSURCHAK District- Begusarai

1. SYED MD ISHTEKHAR @ SYED MD IFTKHAR, Gender – Male, Aged about 30 years, Son of Syed Md Ikbal, Resident of Village - Ward No 10, Temuhan, PS - Mansurchak, District-Begusarai.
2. Nisha Praveen @ Nisha Khatoon, Gender – Female, Aged about 24 years, Wife of Syed Md Ishtekhar, Resident of Village - Ward No 10, Temuhan, PS - Mansurchak, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 16-11-2019 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in a case registered under Sections 302, 328/34 of Indian Penal Code.

Learned counsel for the petitioners submits that prima facie allegations are highly improbable that ten persons together will administer poison to the victim. The investigation has revealed, in paragraphs 10 and 11 of the case diary, that in fact the victim has committed suicide by consuming poison on his own due to frustration on account of existing love affairs between the victim and sister of petitioner No 1, Khurshida



Perween. Further submission is that there is no specific allegation against petitioner No 2 who is wife of petitioner No 1.

Learned APP for the State, however, opposed the prayer for bail. It is submitted that it is a case registered under Section 302 of Indian Penal Code.

Considering the rival submissions and on going through the allegations made in the first information, this Court, for the purposes of bail, is inclined to accept submission of the learned counsel for the petitioners.

Let the petitioners above named, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate - I, Begusarai in Mansurchak Police Station Case No 19 of 2019 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the



address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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