

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73120 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. Bhajawa Khatoon @ Bhajaba Khatoon Wife of Jahir Khan @ Jahir Resident of Village - Jalalpur, P.S.- Hussainganj (M.H. Nagar), District- Siwan
2. Jahir Khan @ Jahir Son of Imadat Khan Resident of Village - Jalalpur, P.S.- Hussainganj (M.H. Nagar), District- Siwan
3. Mintu Khan @ Babuddin Khan Son of Jahir Khan @ Jahir Resident of Village - Jalalpur, P.S.- Hussainganj (M.H. Nagar), District- Siwan
4. Chintu Khan @ Sajid Ali @ Sajid Khan Son of Jahir Khan @ Jahir Resident of Village - Jalalpur, P.S.- Hussainganj (M.H. Nagar), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 21-11-2019 Learned counsel for the petitioner submits that during the pendency of this application, the petitioner No.2-Jahir Khan and petitioner No.3-Mintu Khan, have been arrested, as such he does not want to press this application against petitioner No.2 and 3.

In view of the submission of learned counsel for the petitioner, prayer for pre-arrest bail of petitioner No.2-Jahir Khan and petitioner No.3-Mintu Khan, is dismissed as withdrawn.

Heard learned counsel for the petitioner No.1 and 4



and learned counsel appearing on behalf of the State.

Petitioner No.1 and petitioner No.4 apprehend their arrest in connection with Hussainganj (M.H. Nagar) P.S. Case No.27 of 2019, for the offence punishable under Sections 304(B), 120(B), 34 of the Indian Penal Code.

The accusation is that informant, Firoj Shaikh married of her daughter before three years ago with Siraj Khan, s/o Jahir Khan, according to Muslim Customs and she was kept at her matrimonial house about five to six months, thereafter she was being tortured by her husband and in-laws giving threatening to divorce her and to perform re-marriage. On 05.02.2019, he received information about death of his daughter from Siraj Khan. When informant and other family members reached in the morning on 05.02.2019 then he found the dead body of his daughter. Informant raised suspicion about killing his daughter, Farjana Khatoon.

Learned counsel for the petitioner submits that from the FIR, it would appear that daughter of the informant was ill-treated of mobile by her husband to give divorce and perform re-marriage and due to that reason, she committed suicide and intention was also given to that effect to the son of the informant but with ulterior motive, the petitioner No.1 and petitioner No.4



who are mother-in-law and brother-in-law have falsely been implicated in this case. More so, while allegation has been made to kill daughter of the informant by pressing the neck but in post-mortem examination, the cause of death of specia due to hanging.

Having regard to the facts and circumstances of the case, let the above named petitioner No.1-Bhajawa Khatoon and petitioner No.4-Chintu Khan, be released on bail, in the event of pre-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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj (M.H. Nagar) P.S. Case No.27 of 2019, subject to the condition as laid down under Section 438 (2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

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