

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1710 of 2020

Arising Out of PS. Case No.-298 Year-2019 Thana- BARARI District- Katihar

Md. Waliul @ Md. Osiulla @ Md. Wasiulla @ Woliulla, S/o Abdul Basir
Resident of Village- Anarkali Baisa, Gobindpur, P.S.- Barari (Semapur), Distt-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-02-2020 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376/511, 120B and 302/34 of the IPC.

The prosecution case, as per Complaint Case No. 1850 of 2019, which came to be registered as a police case, after the same being transferred under Section 156(3) of the Cr. P.C., is to the effect that the complainant's maternal sister, Dilnur Khatoon along with her three children was residing with the informant. On 26.07.2019, the sister of the informant went with co-accused Nurkesh Khatoon, cousin of the informant, along with her younger daughter Ishrat Pravin on her request to participate in a marriage, but when she did not return on the next day then he



enquired from Co-accused Nurkesh Khatoon, who conveyed her that his sister has stomach pain hence she will go back next day, but on 30.07.2019, the accused persons came to his house with dead body of his sister. On 31.07.2019, younger daughter of the deceased, Israt Pravin disclosed that all the accused persons including the petitioner killed her mother.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 26.07.2019, the complaint was filed on 22.08.2019 and the dead body of the deceased was cremated by the informant, but no postmortem was conducted. It is further submitted that entire accusation is made on the basis of the suspicion and if the daughter of the informant had the knowledge about killing of her mother then there was no occasion for the informant not to lodge the case when the dead body was alleged to have received. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the delayed lodging of the case and inordinate delay in lodging of the case, coupled with the fact that the petitioner is not having any criminal antecedent, let the



above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-V, Katihar in connection with Barari (Semapur) P.S. Case No. 298 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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