

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4265 of 2020

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

1. Shaukat Khan Son of Nasir Khan Resident of Village - Wagirganj, P.S.- Wagirganj, District- Gaya
2. Jeba Khan @ Jeba Khatoon Wife of Saukat Khan Resident of Village - Wagirganj, P.S.- Wagirganj, District- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Nand Kishore Prasad Sinha, Advocate
For the Opposite Party : Mr.Ajit Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-01-2020 Heard learned counsel for the parties.

Petitioners are accused in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

Informant alleges that his daughter Akhtari Khatoon was married with one Gulam Sarwar Khan 12 years back. Her husband was four brothers, namely, Gulam Sarbar Khan, Saukat Khan (petitioner no.1), Jawed Khan and Sadam Khan. There was dispute between them for partition of ancestral property. In the meantime, on 27.12.2018 when Gulam Sarwar Khan was outside the house, all the accused persons including the petitioners poured Kerosene oil on his wife and set her on fire who died in course of treatment.

Learned counsel for the petitioners submits that petitioner no.1 is Dewar of the deceased, whereas petitioner no.2 is the wife of petitioner no.1. He submits that there is general and omnibus allegation against them and there is no eye witness to the occurrence. It is further submitted that the



petitioners have no concern with the affairs of the deceased as they live separately. Similarly situated co-accused have already been allowed bail by a bench of this Court as mentioned in paragraph 15 of the bail petition. Petitioners are in custody since 11.11.2019 having no criminal antecedent.

In view of the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate 1, Gaya in Wagirganj Police Station Case No. 6/2019, on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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