

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10886 of 2020

Arising Out of PS. Case No.-427 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. Jamila Khatoon W/o Kalamuddin Ansari R/o of Village-Molnapur, P.S.- Siwan Muffasil, District-Siwan.
2. Sajaha Khatoon @ Shahzaha Khatoon D/o Kalamuddin Ansari R/o of Village-Molnapur, P.S.-Siwan Muffasil, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 06-10-2020 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Siwan Mufassil P.S. Case no. 427 of 2019 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the FIR, over a dispute it is stated that the six named accused persons including the two petitioners herein came variously armed with iron rod, kudal, lathi etc and started to abuse the informant and others. It is stated that they were making false allegations of misbehavior by the informant and others with their lady family members. It is thereafter stated that all the accused persons stated that they should be killed on



which Alam Ansari gave a blow with an iron rod on the head of the mother of the informant as a result of which she fell down and thinking her to have died, the accused persons fled away.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. Even from the contents of the FIR it would be evident that the overt act is against Alam Ansari and not the petitioners herein who are ladies having no criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that from the contents of the FIR it would be evident that this is a case of heinous offence having been committed by all the accused persons including the petitioners herein. The petitioners along with others came variously armed with the common intention to kill and thus, would be liable for the offence along with Alam Anshari under section 302/34 of the IPC. It was only after they thought that the mother of the informant had died that they fled away. It is further submitted that the witnesses in course of investigation specially in paragraph nos. 6 and 7 have supported the prosecution case.

Having heard learned counsel for the parties and taking



into consideration that the overt act is against Alam Ansari and not the petitioners herein who are females having no criminal antecedent, the Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Siwan Mufassil P.S. Case no. 427 of 2019, they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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