

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15384 of 2020

Arising Out of PS. Case No.-199 Year-2019 Thana- JAMOBABAZAR District- Siwan

1. HABIBULLAH ANSARI Son of late Naimuddin Ansari, Resident of Village - Musehari Naya Tola, P.S.- Jamo Bazar, District- Siwan.
2. Mahfuz Alam Ansari @ Mahfuz Alam Son of Reyazuddin, Resident of Village - Musehari Naya Tola, P.S.- Jamo Bazar, District- Siwan.
3. Shamima Khatoon Wife of Mahfooz Alam Ansari, Resident of Village - Musehari Naya Tola, P.S.- Jamo Bazar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raghav Prasad, Adv.
For the State	:	Mr.Jagdhar Prasad, APP
For the Informant	:	Mr. A.Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-10-2020 Heard Mr. Raghav Prasad, learned counsel for the petitioners, Mr. Jagdhar Prasad, learned A.P.P. and learned counsel for the informant through Video Conferencing.

Petitioners apprehend their arrest in Jamo Bazar P.S. Case No.199 of 2019 registered under Sections 302, 504, 506 and 34 of the Indian Penal Code.

The informant filed the Complaint Case No.2362 of 2019 on the basis of which the present F.I.R. was registered. The informant alleged in her complaint petition that on 04.10.2019 all the accused persons came and started putting firewood on the land falling in her share. Her husband forbade the accused



persons from putting firewood on the land of his share. Thereafter all the accused persons having armed with different weapons came to the darwaja of the informant, began to abuse and threatened the husband of the informant. The accused persons put the husband of the informant down on the ground and they assaulted him with fists and slaps and also pressed his chest resulting in the death of the husband of the informant on the spot. It is further alleged that the complainant informed the police but the police did not take any action nor got the post-mortem done on the dead body of her husband. The informant also informed the Superintendent of Police, Siwan on 10.10.2019 but the Superintendent of Police, Siwan also did not take any action and, therefore, the complainant filed the complaint case for killing of her husband Amirullah Ansari.

Mr. Raghav Prasad, learned counsel for the petitioners submits that the petitioners are co-sharers of the informant and her husband. No occurrence as alleged by the informant ever took place but the informant lodged this case making false and frivolous allegation merely to take revenge against the petitioners. The husband of the informant was ill and he died of cardiac arrest. The informant cremated the dead body of her husband and after 14 days of the occurrence, she filed complaint



case only on 18.10.2019. It is further submitted that the police on the basis of order passed by the Court, instituted the present case on the complaint petition but during enquiry, the witnesses have stated that only some verbal altercation took place between the two sides. The husband of the informant died of illness and the Investigating Officer during course of investigation found the case true under Section 504 of the I.P.C.

Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that Jamo Bazar P.S. Case No.205 of 2019 was registered on 23.11.2019 by Afjal Alam (nephew of the deceased). The deceased husband of the informant had filed Title Suit No.669 of 2019 and the same is pending. On account of some dispute, the accused persons killed the husband of the informant.

Perused the record. It appears that the informant filed the complaint case on 18.10.2019 alleging that the occurrence took place on 04.10.2019. It is further alleged that the accused persons assaulted her husband and pressed his chest till the death of her husband but the informant did not produce any paper showing the institution or information to the police with regard to the occurrence on the day of occurrence. The



informant cremated the dead body of her husband and after 14 days, the informant lodged the case making the allegation that on account of assault made by the petitioners, her husband died but during course of investigation, the witnesses have not supported the case of the informant. The witnesses have stated that only some verbal altercation took place between the two sides.

Having considered the facts aforesaid, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Siwan in connection with Jamo Bazar P.S. Case No.199 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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