

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17803 of 2020**

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Frah Diba @ Farhad Diba W/o Neyaz Ahmad Resident at Road No.26,  
Aliganj Gaya, P.S.- Chandauti, Distt- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Anshul, Adv.             |
|                          |   | Mr. Raj Nandan Prasad, Adv.  |
| For the Opposite Party/s | : | Mr. Md. Matloob Rab, Adv.    |
| For the Informant        | : | Mr. Ashok Kumar Mishra, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      15-09-2020                      Heard learned counsel for the petitioner, learned  
APP for the State and learned counsel for the informant through  
video conferencing.

The instant application for anticipatory bail has  
been filed by the petitioner apprehending her arrest in  
connection with Chandauti P.S. Case No.265 of 2019, registered  
under section 302 of the Indian Penal Code.

As per allegation in the F.I.R, it is stated by the  
informant that he married his daughter in the year 2016 to Md.  
Arif who was a Professor in Jamshedpur. It is further stated that  
he received information that his son-in-law who was to proceed  
to Patna had fallen from the terrace. The informant further states  
that on his coming home, his daughter informed him that his  
son-in-law was taken to the third storey by Md. Numan who had



pushed him, resulting in his death. It is further stated that Md. Numan happens to be *mausa* of the deceased and the people of the locality were also stating that there had been some dispute on the terrace between the said Md. Numan and the deceased.

It is further submitted by learned counsel for the petitioner that so far as the petitioner is concerned, she happens to be a lady against whom some suspicion has been raised in course of investigation about her having some extra-marital relationship with the aforesaid Md. Numan. Admittedly, no overt act has been alleged against this petitioner who happens to be the *mami* of the wife of the deceased.

The application for bail has been opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that process under section 82 Cr.P.C. having been issued against the petitioner, the prayer for anticipatory bail is not maintainable.

In reply to the above contention made on behalf of the informant, it was submitted by learned counsel for the petitioner that the petitioner has not been declared a proclaimed offender under section 82(4) of the Cr.P.C. On the prayer of learned counsel for the informant, the case was adjourned. Neither any affidavit has been filed on behalf of the informant nor any order sheet has been produced declaring the petitioner



to be a proclaimed offender.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, admittedly no overt act having been alleged against the petitioner herein who is a lady having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of her arrest or surrender in connection with Chandauti P.S. Case No.265 of 2019 she will be enlarged on bail on 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, Gaya subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

**(Partha Sarthy, J)**

Bibhash

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