

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22160 of 2020

Arising Out of PS. Case No.-295 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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1. Md. Aziz @ Aziz, Aged about 35 years, Son of Md. Dilzan Baitha, Resident of Village Sri Nagar Purani Bazar, P.S. K. Nagar (Sri Nagar) Distt.- Purnea.
 2. Saira Khatoon @ Saiyara Bano, Aged about 28 years, W/o Md. Aziz @ Aziz, Resident of Village - Sri Nagar Purani Bazar, P.S.- K. Nagar (Sri Nagar) Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Kumar Birendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-08-2020 Heard Mr. Amit Kumar Anand, the learned counsel appearing on behalf of the petitioners and Mr. Kumar Birendra Narayan, the learned Additional P.P. on the petition.

The petitioners apprehend their arrest in K. Nagar (Sri Nagar) P.S. Case No.295 of 2019, registered under Sections 302 and 34 of the Indian Penal Code.

The mother of the deceased alleged that her daughter was married with Md. Maimnuddin 15-16 years ago but her husband, father-in-law, mother-in-law, brother-in-law, petitioner no.1 and sister-in-law, petitioner no.2 were torturing her daughter. The informant came to know on 22.07.2019 that all the accused persons poured K. Oil on the body of the daughter of the informant



and ignited fire. The daughter of the informant got extensive burn injury and she died during the course of treatment in the hospital on 30.07.2019.

Learned counsel for the petitioners submits that the petitioners are brother-in-law and sister-in-law of the deceased. The deceased was married 15-16 years ago with Maimnuddin. Petitioner no.1 is separate from his brother Maimnuddin and the petitioners have no manner of concern with the family affairs of Maimnuddin and his wife. No specific allegation is made against the petitioners. The informant on mere surmises and conjecture made omnibus and general allegation. Even during the course of investigation, none of the witnesses has made any specific allegation against the petitioners.

The learned Additional P.P. opposed the prayer for anticipatory bail.

It appears that the mother of the deceased made allegation that although her daughter was married with Maimnuddin 15-16 years ago but her husband and all others family members including the petitioners were torturing her. On 22.07.2019, the accused persons set her ablaze. Consequently her daughter got extensive burn injury and she died during the course of treatment in the hospital. The case of the petitioners is that petitioner no.1 is the brother of the husband of the deceased and



his wife, petitioner no.2 are living separately.

Taking into consideration the facts that the petitioners are brother-in-law and sister-in-law of the deceased and the occurrence took place after 15-16 years of marriage of the deceased with the brother of petitioner no.1, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged 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 learned C.J.M., Purnea in connection with K. Nagar (Sri Nagar) P.S. Case No.295 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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