

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24186 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- JALALGARH District- Purnia

1. Bibi Fargun @ Mehasrin, aged about 27 years, Gender-Female, W/o Md. Salim, D/o Md. Ahmad
2. Bibi Khatuniya, aged about 42 years, Gender – Female, W/o Md. Ahmad
3. Md. Sahbaj, aged about 24 years, Gender – Male, S/o Md. Kasim
4. Rosani Khatoon, aged about 45 years, Gender – Female, W/o Md. Kasim, all resident of Village- Lakhnase, P.S.- Jalalgarh, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the State	:	Mr.Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-11-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Jalalgarh P.S. Case No. 08 of 2020 registered for the offences punishable under Sections 363, 302, 201 and 120(B) of the Indian Penal Code.

The prosecution case in short is that one Md. Ejaja, son of Md. Salim (deceased) filed a written report dated 08.01.2020 appearing before the S.H.O. of Jalalgarh P.S., District- Purnea alleging therein that his father had come to Khata Hat, on 01.01.2020 but did not return till evening. Thereafter, the informant came to Khata Hat and started to search his father Md. Salim in Khata Hat as well as in the nearby villagers but his father could not be traced out. In lights of these circumstances, the informant came to Jalalgarh P.S. and



filed a complaint about the aforesaid facts.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. He further submits that there is no eye witness in the present case. Only suspicion, the petitioners are made accused in the present case. He further submits that the informant has woven a fabricated story in the F.I.R. to save his own skin. The actual facts of the case is that the informant was unhappy with deceased and his father Md. Salim transferring the land to petitioner no.1 and thus plotted along with his brothers to kill Md. Salim and implicate petitioner no.1, so as to save the land from getting transferred in the name of petitioner no.1. A photo copy of Challan for Deed has been annexed as Annexure-2 in the present case. He further submits that petitioner no.2 is concerned, she is the mother of petitioner no.1 and petitioner nos.3 and 4 are relative of petitioner no.1 and are not concerned at all with the alleged offence in question as such, they deserve pre-arrest bail. In paragraph-47 of the case diary, the supervision note has supported the prosecution story.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner nos.1 and 2, namely, Bibi Fargun @ Mehasrin and Bibi Khatuniya on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner nos.1 and 2 is hereby rejected. However, the petitioner nos.1 and 2 are directed to surrender before the court below and the learned court below shall pass the order on the same day without being



prejudiced by this order.

However, petitioner nos.3 and 4, namely, Md. Sahbaj and Rosani Khatoon are concerned, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of C.J.M. Purnea in connection with Jalalgarh P.S. Case No. 08 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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