

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.864 of 2020

Arising Out of PS. Case No.-298 Year-2019 Thana- BARARI District- Katihar

1. MD. TANVEER @ MD. TANVEER ALAM Son of - Abdul Salam Resident of Village- Jharkaha, P.S.- Barari (Semapur O.P.), District- Katihar.
2. Mehnoor Khatoon @ Mernoor Khatoon @ Mehur Khatoon Wife of - Abdul Salam Resident of Village- Jharkaha, P.S.- Barari (Semapur O.P.), District- Katihar.
3. Nurkesh Khatoon Daughter of - Abdul Salam. Resident of Village- Jharkaha, P.S.- Barari (Semapur O.P.), District- Katihar.
4. Md. Noor Alam @ Jalal Son of Rustam Ali Resident of Village- Baisa (Govindpur), P.S.- Barari (Semapur O.P.), District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 376/511, 120(B), 302 and 34 of the Indian Penal Code.

Prosecution allegation against the accused persons is



that they took deceased from her house and later the deceased died in suspicious circumstances.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. A complaint case was filed which was later registered as an F.I.R. under Section 156(3) of the Cr.P.C. The date of occurrence is between 26.7.2019 to 30.7.2019 in respect of which the complaint was filed on 22.08.2019. The delay has not been explained by the prosecution. The said act on the part of the prosecution makes the prosecution case doubtful.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M. -V, Katihar in connection with Barari (Semapur) P.S. Case No. 298 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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