

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25977 of 2020

Arising Out of PS. Case No.-409 Year-2019 Thana- VAISHALI District- Vaishali

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1. Md. Arzu @ Md. Arzu Ali, Son of Md. Aslam Ali
 2. Md. Amzad Ali @ Md. Sazid, Son of Md. Aslam Ali
 3. Rani @ Jahana Praveen, D/o- Md. Aslam Ali
- All are Resident of Village- Bankhobi, P.S.- Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Adv.

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

For the Informant : Mr. Tej Narayan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-02-2021 Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Yogendra Kumar, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Vaishali P.S. Case No.409/2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to ulterior motive. Learned counsel submits that from the First Information Report it will appear that this is a case of



alleged love affair between the sister of the petitioner nos. 1 and 2 and brother (since deceased) of the informant. It is submitted that there is no eye witness to the alleged occurrence and the petitioners have been made accused in the present case merely on suspicion.

Learned counsel submits that the dead body was not recovered from the house of the petitioners rather it was found in the '*Goshala*' attached with the house of the petitioners. It is submitted that the petitioners have no criminal antecedent.

Learned APP for the State and learned counsel for the informant are present and have opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the facts and circumstances of the case in which from the submissions of the learned counsel it is noticed that as per prosecution the petitioner no.3 was having alleged affair with the deceased and it is alleged that she was talking to him over telephone, the deceased was in fact earlier a tenant in the house of the petitioners and his dead body has been found in the '*Goshala*' attached with the house of the petitioners, in the nature of the materials placed before this Court, this Court is not inclined to grant privilege of anticipatory bail to the petitioner nos.1 and 2 who are brothers



of petitioner no. 3. Their prayer is, thus, refused.

In case the petitioner nos.1 and 2 surrender and pray for regular bail in the learned court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court.

The observation with regard to surrender in the court below within a period of four weeks from today shall not be construed as granting any interim protection to the petitioner nos.1 and 2 for the aforesaid period.

So far as petitioner no.3 is concerned, she is a female and it is she about whom it is alleged that she was in affair with the deceased which was not being liked by her family members, no specific role of this petitioner has been brought to the notice of this Court in the alleged killing of the brother of the informant, considering these submissions, her age and the circumstances, this Court is inclined to protect petitioner no.3. Let the petitioner no.3 above-named in the event of her arrest or surrender within a period of four weeks from today in connection with Vaishali P.S. Case No.409/2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the



satisfaction of learned C.J.M., Vaishali, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

