

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14827 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- SIKARPUR District- West Champaran

1. NOOR ALAM Son of Manib Mian Resident of Village - Judi Mian Ke Tola, P.S. Shikarpur, District - West Champaran.
2. Manib Mian Son of Late Bhikhi Mian Resident of Village - Judi Mian Ke Tola, P.S. Shikarpur, District - West Champaran.
3. Amna Nesa @ Amna Nesa Khatoon W/o Manib Mian Resident of Village - Judi Mian Ke Tola, P.S. Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29546 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- SIKARPUR District- West Champaran

1. TAIYAB MIAN S/o Late Washir Mian Resident of Village- Thakur Tola, P.S.- Lauriya, District- West Champaran.
2. Mubarak Mian S/o Late Washir Mian Resident of Village- Thakur Tola, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14827 of 2021)

For the Petitioner/s : Mr.Gauri Shankar Thakur

For the Opposite Party/s : Mr. Rakesh Ranaj

Ms. Rita Verma

(In CRIMINAL MISCELLANEOUS No. 29546 of 2021)

For the Petitioner/s : Mr.Gauri Shankar Thakur

For the Opposite Party/s : Mr. Shailesh Kumar

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 02-03-2022 The learned counsel for the petitioners is directed to
remove all the defects pointed out by the Stamp Reporter within



one month.

Heard the learned counsel for the petitioners, learned APP for the State and the learned Counsel for the informant.

It appears that by order dated 13.01.2022, the anticipatory bail petition of petitioner no.1 of Cr. Misc No.14827 of 2021 **was permitted to be withdrawn.**

The petitioners apprehend their arrest for the offences alleged under Sections 364 and 120 (B) of the Indian Penal Code, registered in connection with Shikarpur P.S. Case No. 95 of 2020.

Bismillah Khatoon is the mother of the victim Shahjehan Khatoon. She has mentioned in her written report that the marriage of her daughter Shahjehan Khatoon was solemnized with Noor Alam Miyan. Some dispute between the couple arose and thereafter the matrimonial inmates settled in Lucknow (UP). So many cases were going on between the parties. The victim Shahjehan Khatoon along with her two kids were living in her matrimonial house village situated in Bettiah. The informant did not receive any telephonic calls from her daughter for 15 days. Then she came from Delhi to her matrimonial village *Judi Mian Ke Tola*, P.S. Shikarpur. The



younger daughter Noorjehan Khatoon of the informant apprised her that on 1st December, 2019 at about 7.00 a.m. the victim went to Bettiah court, but she did not return. Lastly, the informant expressed her firm belief that all the accused persons named in the FIR including the petitioners, after killing the victim concealed her dead-body.

The learned counsel for the petitioners has submitted by drawing my attention to paragraph nos. 265 to 278 of the case diary that the statements of the independent witnesses have been recorded in the above mentioned paragraphs and it has been mentioned in the statements of the independent witnesses that initially there was cordial relationship between the couple, but after some time, the victim, Shahjehan Khatoon started conversation with some unknown persons, which was protested by her husband. She went out from her house one night and after some time she was traced out and was sent to her native place. Thereafter, the victim Shahjehan Khatoon started residing in her native house along with her mother, the informant. He has submitted further that it has also figured in the statement of the witnesses, as mentioned above, that some unknown persons used to come to her house and take her on motor-cycle and after 3-4 days she used to return to her house.



On the other hand, the learned counsel for the informant has submitted that the witnesses, as mentioned by the learned counsel for the petitioners, have deposed in similar and identical words which is nothing but tutored statements. She has also submitted that it is an admitted fact that prior to the occurrence, there was litigating terms between both the parties and the victim is still traceless.

The investigation has not yet been concluded. As such, at this stage, it does not appear to be a fit case for anticipatory bail. Accordingly, the application for anticipatory bail on behalf of **petitioner nos. 2 and 3 of Cr.Misc. No. 14827 of 2021 is rejected.**

So far as petitioners of Cr.Misc. No.29546 of 2021 are concerned, as submitted, they are maternal father-in-laws of the victim and they appear to be distant relative. As such, considering the facts and circumstances, let the petitioners Taiyab Mian and Mubarak Mian, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released 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 learned C.J.M. Bettiah, West Champaran in connection with Shikarpur P.S.Case No. 95 of



2020, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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