

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5312 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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1. LOHA MIAN @ LOHA ANSARI S/o Ishlam Mian Resident of Village-
Khem Matihania, P.S.- Bishwmbharpur, District- Gopalganj.
 2. Rukhsar Anasri @ Rokshad Ansari S/o Loha Anasri @ Loha Mian Resident
of Village- Akbarpur Benk, P.S.- Biraul, District- Daubhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered
for the offence punishable under section 328, 302/34 of the
Indian Penal Code.

Allegedly, the daughter of the informant was killed in her
matrimonial home. The allegation against the petitioners is that
they along with other accused persons were taking the dead



body of the daughter of the informant to throw it in a river.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no any independent witness of the case. There is no specific overt act against the petitioners. Petitioners are not a family member of the deceased. There is no external or internal injury on the body of the deceased, which is evident from the post mortem report itself. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/Successor Court in
Bishambharpur P.S. Case No.95 of 2021, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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