

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16585 of 2021

Arising Out of PS. Case No.-292 Year-2018 Thana- BHARGAMA District- Araria

1. BIBI HUSNA ARA @ HUSNA ARA Wife of Abdurrauf Resident of Village - Birnagar Pachim, Ward No. 2, P.S.- Bhargama, District - Araria
2. Rubi Parveen Daughter of Abdurrauf Resident of Village - Birnagar Pachim, Ward No. 2, P.S.- Bhargama, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish
For the Opposite Party/s	:	Mr. APP
For the Informant	:	Mr. Md. Sufiyan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-01-2022 Heard Mr. Kumar Ravish, the learned counsel for the petitioners and Mr. Md. Sufiyan, the learned counsel for the informant. The State is represented by the learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Bhargama P.S. Case No. 292 of 2018 instituted for the offence under Sections 302/34 of the Indian Penal Code.

The accusation in the First Information Report is that the son-in-law of the deceased demanded money from his father-in-law and when the same was not paid, the entire family of the son-in-law, namely, Md. Mazhar assaulted the



deceased. So far as the petitioners are concerned, they are the mother and sister of aforesaid Md. Mazhar who has been put on trial and has been convicted.

His appeal is pending before a Division Bench of this Court.

So far as the petitioners are concerned, except for the petitioner no. 1 having been alleged to have come to the place of occurrence with a *garasa* in her hand which she gave to another person there is no other accusation of any other overt act petitioner no. 1.

The entire family of Md. Mazhar has been made accused in this case.

The investigation against the petitioners is still pending.

The petitioners have not yet been declared absconders.

Regard being had to the afore-stated facts, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of



receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Bhargama P.S. Case No. 292 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

However, it is cautioned that if the petitioners do not participate in the investigation or in the trial, if they are sent up for being tried, It would be open for the informant or the Investigator to proceed before the court below for cancellation of their anticipatory bail.

In such an eventuality, the court below shall promptly proceed in that direction in accordance with law.

(Ashutosh Kumar, J)

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