

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36639 of 2021

Arising Out of PS. Case No.-216 Year-2020 Thana- DESARI District- Vaishali

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1. FIROZA KHATOON W/O MD. CHAND RESIDENT OF VILLAGE AND P.S- DESARI, DISTRICT-VAISHALI AT HAJIPUR.
 2. MD. ANWAR S/O LATE MD. HANIF @ MD. HANIF ANSARI R/O VILLAGE-DHANDHUA, P.S-JANDAHA, DISTRICT-VAISHALI AT HAJIPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. MD ANWAR RESIDENT OF VILLAGE DHANDHUA PS JANDAHA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Kumar Pathak, Adv.
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP
For the informant	:	Mr. Anuj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 01-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 201 and 120B of the Indian Penal Code.

As per the prosecution case, it is stated by learned counsel for the informant that the relationship between him with his wife and wife's brothers was not cordial. As his 13 years son used to speak in his favour he was done to death by the accused persons and his dead body was found. The informant states that he is convinced that the accused persons



including the two petitioners have a hand in his murder.

It is submitted by learned counsel for the petitioners that the petitioner no.1 happens to be the wife of the informant and mother of the deceased while the petitioner no.2 happens to be the brother of petitioner no.1. They have been falsely implicated in the case by the informant for the reason that there is matrimonial dispute going between the petitioner no.1 and the informant. There are no eye witness to the occurrence. The petitioners are in custody since 6.2.2021 and and chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant has taken the Court through various paragraphs of the case diary to submit that as a result of the son of the informant and petitioner no.1 keeping a check on the misbehavior/illicit relationship of the petitioner no.1 that the occurrence was given effect to and the son of the informant was murdered.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioners being in custody for over 6.2.2021 and the material that has transpired in course of investigation, the Court directs the two petitioners to be



enlarged on bail in connection with Desari P.S. Case no. 216 of 2020
on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten
Thousand) with two sureties of the like amount each to the
satisfaction of the learned ACJM-XV- cum- Special Judge, Vaishali
at Hajipur.

(Partha Sarthy, J)

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