

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50139 of 2021

Arising Out of PS. Case No.-251 Year-2021 Thana- HISUWA District- Nawada

1. Md. Javed Alam S/O Late Abdul Majid R/O Village-Basti Bigaha, P.S-Hisua, District-Nawada.
2. Nasima Khatoon @ Bano W/O Javed Alam R/O Village-Basti Bigaha, P.S-Hisua, District-Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajeev Nayan- Advocate
For the Opposite Party/s :	Ms. Veena Rani Prasad- A.P.P.
	Mr. Bhaskar Shankar- Advocate
	Ms. Meena Singh- Advocate
	Mr. Mithilesh Kumar Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State through video conferencing.

The petitioners seek bail in connection with Hisua P. S. Case No.251 of 2021, instituted for the offences under Section 304(B)/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 19.05.2021, they are persons with clean antecedent and charge-sheet has been submitted.

The learned counsel for the petitioners submits that the informant in the F.I.R. alleges that his daughter Nasrin



Pravin was married to Md. Jubair son of the petitioners and the marriage was performed on 28.02.2021. Thereafter, it is alleged that Md. Jubair (husband of the deceased) used to assault his wife for not fulfilling the demand of Rs.4,50,000/- and also threatened that if the demand is not fulfilled, she will be killed and despite the informant's effort to mediate, the efforts failed. Thereafter, it is alleged that the informant called the petitioner no.1 informing him about the demand being made by his son, on which it is alleged that the petitioner no.1 abused and demanded the amount.

It is next alleged that on 17.05.2021, the informant was informed by the villagers of his son-in-law that his daughter has been killed for non-fulfilment of the demand and accordingly, he reached the place of occurrence and the present F.I.R. came to be instituted.

The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that as far as these petitioners are concerned, the allegations are general and omnibus in nature. The informant has alleged that it was he, who called the petitioner no.1, based on which he demanded the amount and even abused him. The learned counsel further submits that no sensible person after



killing would inform that he has killed. This part of story in itself shows that the same has been made only with a view to falsely implicate the petitioners, who are senior citizens.

The learned counsel for the informant and learned A.P.P. for the State oppose the bail application. The learned counsel for the informant submits that though there is no allegation of assault against the petitioners, but against petitioner no.1, there is an allegation of demand and abuse to which the learned counsel for the petitioners rebuts by submitting that the said allegation prima facie appears to have been alleged only to somehow make out a case against the petitioners. The learned counsel for the petitioners further submits that the husband is in custody and it was he, who was responsible for the occurrence. The informant is not an eye witness to the occurrence.

Considering the fact that the petitioners are in custody since 19.05.2021, they are persons with clean antecedent, charge-sheet has been submitted and petitioners are father-in-law and mother-in-law of the deceased and are senior citizens and the allegation against them are general and omnibus and the husband is in custody, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum



of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties
of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Nawada in connection with Hisua P. S. Case
No.251 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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