

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40741 of 2022

Arising Out of PS. Case No.-10 Year-2012 Thana- MAHILA P.S District- Supaul

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1. RUBEDA KHATOON WIFE OF KAJEER KHAN R/O THARHI, BHAWANIPUR, P.S.- PIPRA, DISTRICT- SUPAUL
 2. JIYAUDDIN KHAN @ MD. JIYAMUDDIN @ MD. JIBHAMUDDIN SON OF KAJEER KHAN R/O THARHI, BHAWANIPUR, P.S.- PIPRA, DISTRICT- SUPAUL
 3. MUNTAJIYA KHAN @ MUNTAJIM KHAN @ MANKHAJEEM KHAN SON OF KAJEER KHAN R/O THARHI, BHAWANIPUR, P.S.- PIPRA, DISTRICT- SUPAUL
 4. MASWARI KHATOON D/O- KAJEER KHAN R/O THARHI, BHAWANIPUR, P.S.- PIPRA, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B), 379 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner nos. 1 and 4 are women and the informant alleges that his daughter was married to petitioner no.2 in the year 2008, out of the wedlock a child was born, after birth of the child the accused



persons, including the petitioners, started demanding a buffalo or Rs. 32,000/-, it is further alleged that her daughter was assaulted on head by mungari, on account of which she used to suffer from headache for which informant got her treated, it is next alleged that further she died because of pain.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the deceased died at Sadar Hospital, Supaul, further even the allegation of demand and torture is general and omnibus in nature, it is further submitted that police after investigation submitted Final Form No. 75 of 2012 (Annexure-2 to the anticipatory bail application) in favour of the petitioners but the learned trial court differing with police report took cognizance by order dated 11.01.2018 (Annexure-3 to the anticipatory bail application), the learned counsel for the petitioners thus submits that once an Investigating Agency has found the petitioners to be innocent whether based on the same material when learned Magistrate had taken cognizance whether it would be prudent to send the petitioners to jail. The learned counsel for the petitioners next submits that petitioners were completely unaware that cognizance has been taken, further the petitioners never received any summons and all of a sudden



came to know that a warrant has been issued and the case presently is at the stage of warrant.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Supaul Mahila P.S. Case No. 10 of 2012 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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