

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47619 of 2022**

Arising Out of PS. Case No.-125 Year-2021 Thana- DAGARUA District- Purnia

1. Rabi Khatoon, Wife of Late Md. Bajju, R/O Village- Singhia Thatol, P.S.-
Dagarua, District- Purnea
2. Gulam Rabbani, Son of Md. Bajju, R/O Village- Singhia Thatol, P.S.-
Dagarua, District- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioners undertakes to
remove all the defects as pointed out by the Stamp Reporter
within two weeks from today.

Heard learned counsel for the petitioners and
Mr.Akhileshwar Dayal, learned APP for the State.

The petitioners in this case are seeking regular bail in
connection with Dagarua P.S. Case No. 125 of 2021 registered
for the offences punishable under Sections 302/201/34 of the
Indian Penal Code. They are in custody since 16.03.2022 and
24.03.2022 respectively. The petitioners have got no criminal
antecedent.

As per the prosecution story, the daughter of the



informant namely, Asefa Khatoon (deceased) was married with Gulam Nabi five months ago. For last four months, daughter of the informant was at the house of the informant. In the meantime, husband of daughter of the informant, namely, Gulam Nabi came to his Sasural (in-laws house) and taken his wife to his house after Bidagri. At that time, his daughter was pregnant for three months. In the next following morning, informant's daughter was traceless. When informant asked about his daughter then her in-laws including mother of informant (petitioner no. 1) told that Nabi took his wife to Ajmer Sharif Dargah. Informant tried to contact with his daughter but he could not trace out his son-in-law or his daughter. Thereafter, the informant and his family became suspicion. Informant with the help of co-villagers started searching his daughter then he came to know that all the accused persons including these petitioners in furtherance of their common intention of all have committed murder of his daughter by knife and pressing her neck.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on mere suspicion. Learned counsel submits that petitioner no. 1 is the mother-in-law of the deceased and petitioner no. 2 is



brother of the husband of the deceased. Both the petitioners are living separately and have nothing to do with the affairs of Gulam Nabi. There is no eye witness of the alleged occurrence. Petitioners are in custody since 16.03.2022 and 24.03.2022 respectively.

Mr. Nawal Kishore Prasad, learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, petitioner no. 1 is the mother-in-law of the deceased and petitioner no. 2 is younger brother of the husband of the deceased, there is no direct evidence against them, they are in custody since 16.03.2022 and 24.03.2022 respectively, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of Gajala Tashum, learned Judicial Magistrate 1st Class, Purnia in connection with Dagarua P.S. Case No. 125 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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