

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49125 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- JOGBANI District- Araria

1. BIBI ASMINA KHATOON @ ASMINA W/O MD. NAUSHAD Resident of Village- Bhimsena, Ward No- 2, P.S.- Jogbani, District- Araria.
2. MD. NAUSHAD @ NAUSHAD ALAM S/O LATE NABI HUSSAIN Resident of Village- Bhimsena, Ward No- 2, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2022 Heard learned counsel for the petitioners, and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

The petitioners apprehend their arrest in connection with Jogbani P.S. Case No.93 of 2021, registered for the offence punishable under Sections 363, 365 of the Indian Penal Code.

The allegation against the petitioners is that they killed the father of the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. There is no specific overt act against the petitioners. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is an in-ordinate delay of 55 days in filing of the FIR, which creates a serious doubt on the genuineness of the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the petitioners are also involved in the present case and the victim is traceless till date.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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