

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21751 of 2023

Arising Out of PS. Case No.-63 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Shakila Khatoon Wife of Late Manjur Ansari Resident of Village - Bhatauli, P.S.- Dehri (M), District - Rohtas.
 2. Hasnen Ansari Son of Jallaluddin Ansari Resident of Village - Bhatauli, P.S.- Dehri (M), District - Rohtas.
 3. Jallaluddin Ansari Son of Late Vakil Miya Resident of Village - Bhatauli, P.S.- Dehri (M), District - Rohtas.
 4. Nazma Khatoon Wife of Jallaluddin Ansari Resident of Village - Bhatauli, P.S.- Dehri (M), District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ale Nabi Son of Late Anwar Hasan Resident of Village - Marojhiyan, P.S.- Nasriganj, District - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Babu Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-08-2023 Heard Mr. Krishna Singh, learned senior counsel for the petitioners assisted by Mr. Bhaskar Shankar, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, informant's son went to his Sasural. On morning of 09.05.2016 at about 05:00a.m.,



informant was informed that his son has been expired. The informant together with some others reached and found some marks of assault over his son's neck. It appears that he has been killed by strangulation. His wife had gone to her Maiyka and threatened to kill him, if he goes there.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. After investigation, police has filed a final form. The final form was accepted by the Court below. The complainant has filed a protest petition. The protest petition is converted in the complaint case and the said complaint case was dismissed by the Court below. Therefore, the complainant challenged the said order in the revision and in revision after setting aside the order, the matter was remanded back to the Court below. Therefore, the Court below has taken the cognizance against the petitioners under Section 302/34 of the Indian Penal Code. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, let the above named petitioners, be released on bail, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 63 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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