

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25175 of 2023

Arising Out of PS. Case No.-537 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

1. ANWAR JAVED Son of Late Md Ojair Ahmad Resident of Villa.- Mehsoul, P.S.- Runisaidpur, Distt.- Sitamarhi
2. Rukhsana Anwar Wife of Anwar Javed Resident of Villa.- Mehsoul, P.S.- Runisaidpur, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Sah, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 504, 506 and 420 of the Indian Penal Code.

3. The informant alleges that petitioner no. 1 who is his own brother along with his wife (petitioner no. 2) assaulted him and his wife and tried to strangle him, it is next alleged that after their father's death petitioner no. 1 misrepresented as sole legal heir and withdrew money and also mortgaged one *bigha* of ancestral land, it is next alleged that petitioner no. 2 has criminal tendency and while they were in Delhi they had tried to



kill one person by poisoning.

4. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 2 is a woman and have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the informant and petitioner no. 1 are own brother and are having dispute relating to property after the death of their father, it is next submitted that though it is alleged that they assaulted him but then the allegation is completely silent that as to how and by what the petitioners assaulted the informant and his wife, it is further submitted that the dispute is completely civil for which a criminal case has been instituted to coerce his own brother and his wife into submission so that they don't seek their share in the property.

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

6. 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 Runisaidpur P.S. Case No. 537 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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