

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32578 of 2023

Arising Out of PS. Case No.-769 Year-2022 Thana- HISUWA District- Nawada

1. Akhtari Khatoon W/O Mustafa Mian @ Mustofa R/O Makbara Chowk, Hisua, P.S- Hisua, Distt.- Nawada.
2. Khushi Khatoon @ Sabun Khatoon W/O Md. Mazid R/O Makbara Chowk, Hisua, P.S- Hisua, Distt.- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Manoj Kumar Pandey, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Vibhuti Ranjan Sonvadra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard Mr. N.K. Agrawal, learned senior counsel for the petitioners, Mr. Vibhuti Ranjan Sonvadra, learned counsel for the informant and Mr. Abhay Kumar, learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Hisua P.S. Case No. 769 of 2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 23.12.2022 at about 09:00 P.M., the informant's son on receiving a phone call went outside on bike saying that he will return in an hour but when he did not return, the informant and his family members started searching for his son but could not find him and he was



not receiving his phone. Thereafter, in the morning when the informant again tried to call his son, someone received and told him that his son is lying dead near Railway Gumti. It is alleged that his son was killed by the father of the girl and her family members with whom his son had a love affair.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation against these petitioners.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein petitioner no. 1 is the grand mother and petitioner no. 2 is the mother of the girl with whom the deceased was allegedly having an affair, there is no specific allegation against these petitioners, the dead body of the victim was found at a Railway Gumti and he had left his house in the night without telling anyone about the phone call which he had received and further noticing that the father and uncle of the girl have already been arrested in connection with this case, this Court directs that in case of their arrest or surrender within a period of four weeks



from today, the petitioners above named be released on bail in connection with Hisua P.S. Case No. 769 of 2022 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 learned A.C.J.M.-VI, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 step 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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