

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60314 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- BIRAUL District- Darbhanga

1. Md Shamshad @ Mohammad Shamshad Alam, S/o- M.d. Garibul @ Garibullah @ Ullah @ Md. ullah R/o Village-Ram Nagar Supaul Bazar, P.S.- Biraul, Distt.- Darbhanga
2. Md. Muktar @ Mohd. Mukhtyar S/o- Md. Garibul @ Md. Garibullah @ ullah @ Md. Ullah R/o Village- Ram Nagar Supaul Bazar, P.S.- Biraul, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 16-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 436 and 302 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the informant had brought his first wife namely Biwi Praveen Khatoon to his house on the order of the Hon'ble Court two months ago. On



13.05.2022, the informant along with his second wife was sleeping. All of sudden, his first wife Bibi Praveen Khatoon came with petrol and sprinkled petrol on the bodies of the informant, his mother Rufda Khatoon and his second wife Roshni Praveen. His first wife also sprinkled petrol on her body and set on fire. It is further alleged that the said occurrence was committed by his first wife in connivance with the petitioners.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. He has further submitted that the informant's second wife and his mother tried to commit murder of his first wife Bibi Praveen Khatoon to get rid of first wife of the informant. Subsequently, the informant's first wife and his mother died and the petitioners and his family members were falsely implicated in this case. Learned counsel has further submitted that the similarly situated co-accused have already been granted anticipatory bail by a Coordinate Bench vide order dated 22.12.2022 passed in Cr. Misc. No. 45514 of 2022. The petitioners have got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Biraul Darbhanga in connection with Biraul P.S. Case No. 164 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

