

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59626 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- DIGHALBANK District- Kishanganj

1. Nurefa @ Nurefa Khatoon @ Nurufa Khatoon Wife Of Azad Ali Resident Of Village-Kajla, Ward No.2, P.S.-DIGHALBANK, Distt- Kishanganj
2. Sahbul Son Of Azad Ali Resident Of Village-Kajla, Ward No.2, P.S.-DIGHALBANK, Distt- Kishanganj
3. Md. Mahbur Alam @ Mahibur Rahman @ Mohibur Rahman Son Of Azad Ali Resident Of Village-Kajla, Ward No.2, P.S.-DIGHALBANK, Distt- Kishanganj
4. Azad Ali @ Md. Azad Ali Son Of Late Belal Ali Resident Of Village-Kajla, Ward No.2, P.S.-DIGHALBANK, Distt- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard the parties.

2. The petitioners are apprehending arrest in connection with Dighalbank P.S. Case No. 38 of 2023 instituted under under Section 302/34 of the Indian Penal Code lodged on 28.2.2023 by the informant, Md. Nazir Hussain.

3. As per the prosecution story, the informant namely Md. Nazir Hussain gave written report before the S.H.O. of Dighalbnk P.S. dated 28.02.2023 alleging therein that he is



resident of Devi Nagar Pipal Ward No.2, Purnea. He further alleged that his niece Nufun Nisha was not having brother and parents due to which the informant solemnized her. However, she was always tortured for parting with landed property. He further alleged that on 28/02/2023, informant got information that Nurham Nisha has been killed by her husband, mother and father-in-law and other in laws family members. On that information, he along with other family members were rushed to her in-laws house and at Kishangnal Hospital found her dead with slit neck. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are family members being mother-in-law, father-in-law and brother-in-law and further the husband is in custody.

5. Learned APP opposes the prayer.

6. Considering the submission put forward by the parties as also that they are family members, the husband is already in custody, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two



sureties of the like amount each in connection with Dighalbank P.S. Case No. 38 of 2023 to the satisfaction of learned A.C.J.M.- I, Kishanganj subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners (except petitioner No.1 Nurefa @ Nurefa Khatoon @ Nurufa Khatoon) shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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