

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60367 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. MOHAMMED NASIM @ NASIM MIYAN @ NASHIM MIYAN SON OF SAFRUDDIN @ SAFRUDDIN MIYAN RESIDENT OF VILLAGE- KAROR, WARD NO. 18, PS- CHERIYA BARIYARPUR, DISTT- BEGUSARAI
 2. AFSANA BIBI WIFE OF MOHAMMED NASIM @ NASIM MIYAN @ NASHIM MIYAN RESIDENT OF VILLAGE- KAROR, WARD NO. 18, PS- CHERIYA BARIYARPUR, DISTT- BEGUSARAI
 3. JAMILA BIBI WIFE OF SAFRUDDIN @ SAFRUDDIN MIYAN RESIDENT OF VILLAGE- KAROR, WARD NO. 18, PS- CHERIYA BARIYARPUR, DISTT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-10-2023 Heard the parties.

2. Petitioners apprehends their arrest in connection with Cheriya Bariyarpur P.S. Case No.341 of 2022, registered for the offences u/s 302, 34 of the IPC and 27 of the Arms Act.

3. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.1, namely, Mohammed Nasim.

4. Permission is granted.

5. Accordingly, the instant application as against the



petitioner no.1, namely, Mohammed Nasim is dismissed as withdrawn.

6. However, if petitioner no.1 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass the order, on the same day, in accordance with law.

7. Now, this application is being heard with regard to the petitioner nos.2 and 3 only.

8. The allegation against the petitioners is that they are involved in the murder of the son of the informant.

9. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioner nos.2 and 3 are ladies and there is no specific overt act against them. He further submits that there is no eye witness in the present case to support the prosecution case. Petitioners have been made accused in the present case merely on the basis of suspicion. Petitioners have no criminal antecedent.

10. Learned APP for the State opposed the prayer for



anticipatory bail.

11. Having regard to the facts and circumstances of the case, let the above named petitioner nos.2 and 3, 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 Cheriya Bariyarpur P.S. Case No.341 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

12. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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