

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72696 of 2023**

Arising Out of PS. Case No.-159 Year-2022 Thana- PAHARPUR District- East Champaran

1. Sekh Mustufa @ Sekh Mustafa Son Of Sekh Hanif Resident Of Village - Paharpur, Police Station - Paharpur, District - East Champaran
2. Naiema Khatoon Wife Of Sekh Mustufa @ Sekh Mustafa Resident Of Village - Paharpur, Police Station - Paharpur, District - East Champaran
3. Gulnaj Khatoon Daughter Of Sekh Mustufa @ Sekh Mustafa Resident Of Village - Paharpur, Police Station - Paharpur, District - East Champaran
4. Afsana Khatoon Daughter Of Sekh Mustufa @ Sekh Mustafa Resident Of Village - Paharpur, Police Station - Paharpur, District - East Champaran
5. Chimkin Khatoon Daughter Of Sekh Mustufa @ Sekh Mustafa Resident Of Village - Paharpur, Police Station - Paharpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. Syed Mojibur Rahman

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 01-12-2023 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 Section 302/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners are said to have assaulted the informant's wife. Due to the said assault, the informant's wife became unconscious and died during the course of treatment.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific



rather general and omnibus in nature. He submits that the petitioner no. 1 is the brother of the informant and there is partition dispute between the parties, due to which on account of natural death of wife of the informant, the petitioners have falsely been implicated into present case. He further submits that the postmortem report does not show sign of any injury and the viscera were preserved. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that the postmortem report does not support the prosecution case, let the above named petitioners, 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 lower Court where the case is pending/successor Court in connection with Paharpur P.S. Case No.159 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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