

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71381 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- PIRBAHOR District- Patna

1. Perwez Alam @ Parvez Alam Son Of Anwarul Hasan Warsi Resident Of A.R. Sajda Galaxy Apartment, New Khajurbanna, Post- Mahendru, P.S.- Sultanganj, District- Patna.
2. Farida Alam Wife Of Parwez Alam @ Parvez Alam Resident Of A.R. Sajda Galaxy Apartment, New Khajurbanna, Post- Mahendru, P.S.- Sultanganj, District- Patna.
3. Azam Ali Waris Son Of Perwez Alam @ Parvez Alam Resident Of A.R. Sajda Galaxy Apartment, New Khajurbanna, Post- Mahendru, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Pirbahore P.S. Case No.171 of 2023 registered for the offences punishable under Sections 306, 420, 379 and 34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, the allegation is that these petitioners along with other co-accused hatched a conspiracy and instigated the deceased to commit suicide.

4. Learned counsel for the petitioners submits that the deceased brother of the informant had performed *Nikah* with the daughter of the petitioner nos. 1 and 2 out of their own will and volition. It was a love marriage. The brother of the informant committed suicide by hanging himself in the house on 01.03.2023 at about 6.00 PM. Pirbahore police registered an Unnatural Death Case no.04/23 dated 01.03.2023. In his fardbeyan giving rise to U.D. Case, the same informant has stated that the wife of his deceased brother had left him and for that reason he was hurt and for this reason he had committed suicide. The fardbeyan clearly talks of a love marriage.

5. It is submitted that seven days after lodging of the U.D. Case, the same brother of the deceased came out with a concocted story and this time he lodged a First Information Report with the officer in-charge of Pirbahore police station alleging that the wife of the deceased was demanding a sum of Rs.10 lacs for her father so that her father can go for arranged marriage of the brother of the informant and the daughter of petitioner no.1. In this F.I.R., it is alleged that the father of the wife of the deceased brother was saying that the amount is required to be spent in marriage ceremony, should be arranged by the brother of the informant.

6. Learned counsel for the petitioners submits that the daughter of petitioner no.1 has solemnized marriage on her own volition and she had gone against the wishes of her parents. The daughter of petitioner nos.1 and 2 had fled away from her house and taking advantage of her innocence the informant and his family members trapped her into *Nikah* and thereafter tortured her to the extent that she was compelled to leave her matrimonial house.

7. It is submitted that the present case has been lodged with an afterthought story and it is on the basis of mere suspicion.

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners, however, considering the facts and circumstances of the case and the two different versions which are appearing from the fardbeyan of the informant in the U.D. case and then in the present FIR at an interval of seven days, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Pirbahore

P.S. Case No. 171 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. 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.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

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