

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72447 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- BALUA BAZAR District- Supaul

1. Khush Mohammad @ Khush Md. Son Of Late Zamiruddin R/O Village- Laxminia Karhi Tola, P.S.- Balua Bazar, Dist.- Supaul
2. Rajmun Khatoon @ Rajmula Khatoon Wife Of Khush Mohammad @ Khush Md. R/O Village- Laxminia Karhi Tola, P.S.- Balua Bazar, Dist.- Supaul
3. Rabiya Khatoon D/O Khush Mohammad @ Khush Md. R/O Village- Laxminia Karhi Tola, P.S.- Balua Bazar, Dist.- Supaul
4. Md. Ali Hasan @ Ali Hussain Son Of Late Zamiruddin R/O Village- Laxminia Karhi Tola, P.S.- Balua Bazar, Dist.- Supaul
5. Kulsum Khatoon Wife Of Md. Ali Hasan @ Ali Hussain R/O Village- Laxminia Karhi Tola, P.S.- Balua Bazar, Dist.- Supaul
6. Md. Ijhar @ Izhar Son Of Md. Nisar R/O Village- Bhavanipur, P.S.- Fulkaha, Dist.- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-11-2023 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.

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

3. The petitioners are apprehending their arrest in connection with Balua Bazar P.S. Case No. 11 of 2022 dated 25.02.2022 registered for the offences punishable under



Sections 120B, 498A, 304B, 484, 341, 323 and 504 of the Indian Penal Code but the cognizance has been taken under Sections 304B, 120B and 201 of the I.P.C.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have committed murder of the daughter of the informant for the non-fulfillment of demand of dowry.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. There is a delay of more than three months in lodging the F.I.R from the date of alleged occurrence. Learned counsel has further submitted that the husband of the deceased has already been murdered by the informant party of this case for which a case has been lodged in P.S Case No. 53 of 2021 in connection with Balua Bazar. It is further submitted that the petitioner No. 1 is full brother and other petitioners are family members of petitioner No. 1.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. 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-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Supaul in connection with Balua Bazar P.S. Case No. 11 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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