

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4920 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- KANGLI District- West Champaran

Sairun Nesha W/o Md. Ilyas @ Md. Alyas @ Md. Ilyas @ Md. Alyas @ Md.
Aliyas, R/o vill - Kathiya - Mathiya, P.s. - Kangali, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh, APP
For the informant	:	Md. Anis Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Kangali PS case no. 58 of 2023, disclosing offences punishable under Section 302/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information report, is that 14.09.2023, while the informant and her husband were constructing paternal house, the mother-in-law of the informant, who is the petitioner herein, called them on phone to come to village Kathiya- Mathiya for some accounting. Upon the call of the petitioner, both informant and her husband went to village Kathiya- Mathiya, where other accused persons abused and assaulted the husband of the informant by means of



iron rod, lathi, dagger etc. due to which, informant's husband died in the hospital.

4. Learned Counsel for the petitioner submits that deceased is the son of the petitioner. He further submits that there was some dispute amongst the brothers and for settlement of the dispute, family accounting was necessary. He next submits that petitioner being the mother of deceased called the deceased at village Kathiya- Mathiya where other co-accused persons were also there for settlement, the accused persons got agitated and started assaulting the informant's husband, due to which, he died. He also submits that co-accused Md. Sajid and deceased Nadeem Ahmad are full brothers, however, Md. Sajid is in jail and petitioner is the mother-in-law of the informant and mother of the deceased.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the on the call of the informant's mother-in-law, the deceased and informant went to village Kathiya- Mathiya, where co-accused persons caused death to the informant's husband. He further submits that during course of investigation, prosecution witnesses has supported the case of prosecution.

6. Regard being had to the submissions made on



behalf of the parties and taking into consideration the fact that deceased is the son of the petitioner, she called the informant and deceased for settlement of family dispute and there is no specific allegation of conspiracy against her and the petitioner is an old lady, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st class, Bettiah, West Champaran in connection with Kangali PS case no. 58 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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