

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28864 of 2024

Arising Out of PS. Case No.-1656 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Md. Alam @ Alam Son of Mubarak @ Mubarak Hussain Resident of Village- Rampur, P.S.- Dagarua, Dist.- Purnea
 2. Md. Mustakim @ Md. Mustaque son of Mokim Resident of Village- Rampur, P.S.- Dagarua, Dist.- Purnea
 3. Md. Kalim @ Karimuddin Son of Mubarak @ Mubarak Hussain Resident of Village- Rampur, P.S.- Dagarua, Dist.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Mosmat Rubeda Khatoon @ Bibi rubeda Wife of Late Iliyash Resident of Village- Rampur, P.S.- Dagarua, Dist.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 1656 of 2021 instituted under Sections 406 and 304 of the Indian Penal Code.

3. As per the complaint case, filed by the complainant, petitioners and husband of the complainant used to work as tower mistri in the year 2021. The allegation against the petitioners is that they pushed the husband of the complainant on the land pole of the tower from which the husband of the



complainant fell down and received injury who died later on during the treatment. It is also alleged that petitioners have taken compensation of Rs. 8 lakhs from the tower company with regard to alleged occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case on the basis of suspicion. There is no inquest report or post-mortem report to corroborate the alleged allegation against the petitioners. He further submits that deceased was working on tower and unfortunately fell down from the same and sustained injury thereafter the petitioners made his treatment in the hospital and the complainant filed complaint after five months with ulterior motive. There is no material against the petitioners and the complaint was rejected by the Court Concerned under Section 203 Cr. P.C. vide order dated 22.08.2022. However, in revision filed on behalf of the complainant was allowed and the cognizance has been taken against the petitioners under Sections 406 and 304 of the Indian Penal Code. The petitioners have no criminal antecedent and undertake to co-operate in the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case



and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to each to the satisfaction of the learned Judicial Magistrate, 1st Class, Purnea in connection with Complaint Case No. 1656 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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