

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37643 of 2023**

Arising Out of PS. Case No.-754 Year-2022 Thana- BARH District- Patna

1. Nagma Begum @ Nagma Bayjee wife of Late Sirajal Ali @ Siraj Ali R/o- Balipur Masud Bigha Renu tola Ward No-9, Po Ps- Barh Dist- patna
2. Karina Parveen D/o- Late Sirajal Ali @ Siraj Ali R/o- Balipur Masud Bigha Renu tola Ward No-9, Po Ps- Barh Dist- patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4      09-01-2024              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 Barh P.S Case No. 754 of 2022 dated 18.11.2022 registered for the offence punishable u/ss 302, 201, 120B of the Indian Penal Code.

4. As per the prosecution case, the informant Madan Sharma has reported the matter to police that his one Sujit @ Chhotu Sharma was living with Karina Parveen at



rented house in Vikash Nagar, and on 18.07.2021 at 11:30 AM the informant he got information from his wife that his son was not receiving mobile call and then the informant went in rental house of his son and found the door was closed and then the informant broke the door and found dead body of Sujit Kumar @ Chhotu hanging with fan. Thereafter, he informed police and police arrived there and received the dead body of his son and after conducting postmortem the last rituals of his son was performed. After sometime he came to know that police in collusion with the accused persons were trying to demolish the entire case then he filed an application on 23.07.2021 before the Dy.S.P., Barh, the Dy.S.P.Barh has told that U.D. Case No. 16 of 2021 has already been lodged. The informant further alleged that neither police took any action nor he made any effort to apprehend the accused persons.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that it is hardly believable that a person was hanged with ceiling by someone so how the door was closed from inside. It is



further submitted that on the alleged date of occurrence neither the petitioners were present there nor they have any involvement in the crime as alleged as they had gone to Gaya. It is further submitted that the deceased himself committed suicide. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners and submitted that the deceased was residing with his wife Karina Praveen (petitioner no.2) at rented house. The petitioner no.2 was present in the said rented room at the alleged crime. The informant's son, Sujit Kumar did not commit suicide. As per the postmortem report no ligature mark was found on his neck rather he was murdered as his trachea was ruptured with blood clot and bruise was found on his neck, Cervicals 3, 4 and 5 were also ruptured.

7. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioners, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioners to



surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail and the learned Court below will consider their prayer for regular bail in accordance with law without being prejudiced by this order.

8. The application stands reject

(Chandra Prakash Singh, J)

Nilmani/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

