

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58758 of 2024

Arising Out of PS. Case No.-206 Year-2022 Thana- RAHIKA District- Madhubani

1. Md. Alam, S/o Late Md. Ayub,
 2. Soni Khatoon, W/o Md. Alam
- Both are resident of Village-Barha Tol Rahika, P.S.-Rahika, District-Madhubani
3. Md. Aziz S/o Md. Tahir
 4. Md. Azad S/o Md. Tahir
- Both are Resident of Village-Barha Tol Rahika, P.S.-Rahika, District-Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-09-2024 After short argument, learned counsel for the petitioners seeks leave to withdraw the prayer of anticipatory bail *qua* petitioner nos.3 and 4 in order to file regular bail, before learned trial court.

2. Request allowed.

3. Accordingly, the prayer of anticipatory bail of petitioner nos. 3 and 4 is rejected herewith for the present.

4. Accordingly, the petitioner nos. 3 and 4 are directed to surrender before the court below and seek



regular bail, which shall be considered on its own merit without being prejudiced in any manner by this order.

5. Now, the prayer for grant of anticipatory bail is limited to petitioner nos. 1 and 2, namely, Md. Alam and Soni Khatoon.

6. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Rahika P.S. Case No.206 of 2022 registered under Sections 302, 201, 120-B, 363 and 366 read with 34 of the Indian Penal Code.

7. Allegation against the petitioners is to commit the murder of his own niece along with other co-accused persons due to inter religion marriage.

8. It is submitted by learned counsel that if the version of independent witnesses be taken into consideration, which is available in para 36, 37 and 38 of the case diary, occurrence appears nothing but a suicide. It is submitted that admittedly the dead body of victim was not recovered and same was not subjected to any postmortem examination as to ascertain cause of death. Moreover, the informant of this case is not an eye witness of the



occurrence and the entire allegation is based upon hearsay input. It is further submitted that even the occurrence took place in the father's house of the deceased, whereas petitioner no.1 is uncle of the deceased and petitioner no.2 is the wife of petitioner no.1. While concluding argument, it is submitted that both the petitioners are of clean antecedents.

9. Learned APP opposes the prayer for anticipatory bail of the petitioners.

10. In view of aforesaid facts and circumstances, as petitioner no.1 is uncle and petitioner no.2 is aunty of the deceased appears living separately, whereas thrust of allegation is available against family members, accordingly, both petitioners no.1, namely, Md. Alam and petitioner no.2 namely, Soni Khatoon are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-X, Madhubani in connection with Rahika P.S. Case



No.206 of 2022 (ST.-43 of 2023), G.R. No.1634 of 2022,
subject to the conditions as laid down under Section 438(2)
of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

