

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59535 of 2023

Arising Out of PS. Case No.-85 Year-2008 Thana- BAIKUNTHPUR District- Gopalganj

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1. Kariman Bibi @ Kaliman Khatun Wife Of Late Moham Jan Miya @ Late Mohammad Jan Miya @ Late Md. Jan Mian R/O Vill-Jadopur Ps-Baikunthpur Dist- Gopalganj
 2. Akhatar Ali @ Akhatar Hussain Son Of Babu Jan Miya @ Babujan Miya R/O Vill-Jadopur Ps- Baikunthpur Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarajuddin @ Serajuddin Miyan Son Of Ful Mohammad Miya Resident Of Vill- Kaparipur, Ps- Basantpur, Dist- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ram Binod Singh
For the Opposite Party/s :	Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 304(B)/201/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. Earlier, prayer for anticipatory bail of the petitioners was rejected by a coordinate Bench of this vide order dated 10.07.2009 passed in Cr. Misc. No. 5645 of 2009 with direction to them to surrender in the learned court below within four weeks.

4. Petitioners are said to have committed murder of the daughter of the informant.



5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the police after investigation has filed the final form against the petitioners but on protest petition, the learned court below took cognizance against them. He further submits that petitioners have criminal antecedent as stated in para-3 of the bail application.

6. Learned APP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case and the fact that earlier anticipatory bail application of the petitioners have been rejected by a coordinate Bench of this Court, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Baikunthpur P.S. Case No. 85 of 2008.

8. However, if the petitioners surrender before the learned court below within a period of six weeks from today and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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