

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69515 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- KOTHI District- Gaya

Ahmad Alam @ Maulana Ahmad Alam Son Of Late Masood Alam Village-
Bikopur, Police Station- Kothi, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 74787 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- KOTHI District- Gaya

Maulana Kalimuddin @ Maulana Kalimullah @ Kalimullah Son Of Maqbul
Hasan Khan Resident Of Village - Bharhi, P.S.- Pratappur, District - Chatra
(jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 69515 of 2023)
For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP
(In CRIMINAL MISCELLANEOUS No. 74787 of 2023)
For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Adv.
Mr. Sanjay Kumar, Adv.
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-03-2024 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

2. Heard learned Senior Counsel for the petitioners



and learned A.P.P. for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

4. Prosecution case, in brief, is that the informant got information by Maulana of Madarsa that her daughter has hanged herself and she had died. On this information, she reached at the place of occurrence and tried to contact the Maulana but his mobile was switched off. It is also alleged that the accused persons has buried the body of deceased.

5. Learned Senior Counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. He further submits that the Dy.S.P. has examined the pros and cons of the matter and came to the conclusion that the said offence is not made out u/s 302 of I.P.C., rather it is a matter of suicide and directed the investigating officer to conduct investigation treating the case u/s 306 of the I.P.C. Petitioners have no criminal antecedent as mentioned in para-3 of this application.



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

7. Having regard to the facts and circumstances of the case and the fact the charge-sheet has been submitted u/S 306 of the I.P.C., let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kothi P.S. Case No.79 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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