

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75924 of 2024

Arising Out of PS. Case No.-857 Year-2023 Thana- ALAMGANJ District- Patna

1. Tosifa Perveen wife of Late Anwar Usmani @ Anwer Usman Resident of Mohalla.- Alamganj, Agarwal Tola opposite Shahi Darbar, P.S.- Alamganj, District- Patna
2. Bushra Anwer wife of Md. Sarwar Ali village- Kandi, Ps- Chandauti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alexander Ashok, Adv.
For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Alamganj P.S. Case No. 857 of 2023 dated 19.09.2023, lodged under Sections 304(B) and 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioners against whom there is an allegation that they have killed the informant's daughter due to non-fulfillment of demand of flat.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence.



Counsel submits that petitioner no.1 is the mother-in-law of the deceased and petitioner no.2 is the *nanad* of the deceased. Counsel further submits that post-mortem report has been annexed *vide* Annexure-P/3 in which it has been stated that the cause of death is asphyxia due to hanging. Counsel submits that the husband of the deceased is already in custody. Counsel further submits that the criminal antecedent of the petitioners are clean.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that petitioners are directly involved in the killing of the informant's daughter.

7. Upon hearing the parties and perusal of the record, it transpires that a certificate has been provided by the local *mukhiya* that petitioner no.2 was not present in the village where the alleged occurrence took place.

8. As such, considering the aforesaid facts and circumstances, let the above named petitioner no.2 be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on



furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna in connection with Alamganj P.S. Case No. 857 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

9. So far as the case of petitioner no.1 is concerned, this Court is not inclined to grant bail to her. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

(Dr. Anshuman, J)

Divyansh/-

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

