

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75809 of 2023

Arising Out of PS. Case No.-154 Year-2021 Thana- POTHYA District- Kishanganj

1. MD. RABIUL ISLAM SEKH @ RABIUL MAULANA @ MD R ISLAM S/O MD. KAFILUDDIN R/O VILLAGE- SINGNATH, BARAKHANTI, KHUNTI, PS. ISLAMPUR, DIST. UTTAR DINAJPUR, WEST BENGAL
2. SAMSER ALI @ SAMSER @ SHAMSER @ SHAMSAR ALAM S/O DAIMUL HAQUE @ DAIMUL R/O VILLAGE- SINGNATH, BARAKHANTI, KHUNTI, PS. ISLAMPUR, DIST. UTTAR DINAJPUR, WEST BENGAL
3. SAHENAJ @ SHAHNAAJ @ SABJAHAN W/O DAIMUL HAQUE @ DAIMUL R/O VILLAGE- SINGNATH, BARAKHANTI, KHUNTI, PS. ISLAMPUR, DIST. UTTAR DINAJPUR, WEST BENGAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-03-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Pothia Police Station Case No. 154 of 2021, dated 01.08.2021, disclosing offences punishable under Sections 302/201/120-B of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 31.07.2021, the informant received information that in the tea garden belonging to one Younus, a dead body of an unknown female was lying with her neck



mutilated by sharp cutting weapon. Upon arrival, the informant found the dead body as that of his niece.

4. Learned Counsel for the petitioners submits that the petitioners are not named in the First Information Report. The petitioner no. 1 is the uncle of co-accused Shahid Raza and the petitioner nos. 2 and 3 are the brother and mother of co-accused Shahid Raza. During the course of investigation, the fact has come that co-accused Shahid Raza was having physical relation with the deceased and entered into sexual intercourse with her on the pretext of marriage due to which she became pregnant. Another brother of co-accused Shahid Raza, namely, Naushad Alam, told the deceased that he would arrange her marriage with Shahid Raza and took her along with him to co-accused Shahid Raza on 29.07.2021. The dead body was found on 31.07.2021. The investigation disclosed the role of Naushad Alam and not the petitioners.
5. Learned Additional Public Prosecutor submits that a panchayati was held, in which the petitioners participated and they refused to perform marriage of the deceased with co-accused Shahid Raza and threatened her with dire consequence. Later on, the deceased was murdered.



6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials available on record and the fact that co-accused Naushad Alam took the deceased along with him on 29.07.2021 and the dead body was found on 31.07.2021 and there is no material to show that the petitioners also accompanied co-accused Naushad Alam, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Kishanganj, in connection with Pothia Police Station Case No. 154 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
9. This is subject to the condition that the petitioners shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his



part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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