

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85190 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- PALANWA District- East Champaran

1. Md. Nazir Mian @ Najir Miya Son of Late Alijan Mian Resident of Village- Sukhi Semara, P.S.- Palanwa, District- East Champaran
2. Saidullah Ansari Son of Nazir Ansari Resident of Village- Sukhi Semara, P.S.- Palanwa, District- East Champaran
3. Sahadu Nesha @ Sahadun Nesha Wife of Nazir Mian Resident of Village- Sukhi Semara, P.S.- Palanwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Palanwa P.S. Case No. 193/2023 registered for the offences punishable under Sections 304 (B), 120(B), 34 of the Indian Penal Code.

3. As per prosecution case, there are three sets of FIR; in first set, co-accused persons demanded money and motorcycle and tortured the informant's daughter. In second set, informant went to the house of her daughter and when she came to know that her daughter was brutally assaulted by the accused



persons, she intended to bring her daughter for treatment, in the meanwhile, the petitioners and others are said to have assaulted the informant. In third set, petitioners and others are said to have concertedly committed the murder of informant's daughter by pressing her neck.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to gotia of the deceased family. He further submits that husband of the deceased has already surrendered before J.M.-1st Class, Motihari, East Champaran on 18.09.2024. He further submits that petitioners are living separately from the deceased and they have no say in the family affairs of the deceased. He further submits that there is no specific allegation attributed against the petitioners rather the allegation is general and omnibus in nature. Petitioner no.1 bears two criminal antecedents, petitioner no.2 bears one criminal antecedent and petitioner no.3 bears no criminal antecedent. He further submits that co-accused Jamarudin Ansari and others are family members of the deceased have already been granted anticipatory bail by this Court vide Cr. Misc. no.53033/2024 and the case of present petitioners stands on better footing as they are gotia of



the deceased family.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 S.D.J.M., Raxaul at Motihari, East Champaran in connection with Palanwa P.S. Case No. 193/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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