

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44599 of 2025

Arising Out of PS. Case No.-203 Year-2023 Thana- KARJA District- Muzaffarpur

1. Kamarul Nisha @ Kamarun Nisha W/o Md. Rahmat R/O Village- Phul Khan Gobind, P.S- Karja, Dist- Muzaffarpur, Bihar, Pin - 843161
2. Md. Rahmat @ Rahmat Ali S/o Md. Sarfuddin R/O Village- Chhapra Madho, P.O- Barkagaon, P.S- Karja, Dist- Muzaffarpur, Bihar, Pin - 843109
3. Md. Ajmat @ Ajmat S/o Md. Rahmat R/O Village- Chhapra Madho, P.O- Barkagaon, P.S- Karja, Dist- Muzaffarpur, Bihar, Pin - 843109
4. Najbun Khatun @ Najbun Nisha W/O Md. Jahir R/O Village- Asnagar, Bakatpur, bshunpur Ganga urf Baikatpur, Barkagaon, P.S- Karja, Dist- Muzaffarpur, Bihar, Pin - 843111

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aditi Medha, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2025 Heard Ms. Aditi Medha, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Karja P.S. Case No. 203 of 2023 for the offences punishable under Sections 328, 302 and 34 of the Indian Penal Code.

3. As per the prosecution story, the informant alleged that his son was married to Sama Parveen in the year 2019 and used to live with his in laws. As he always had quarrel with lady, never wanted to come to her in laws house, on 17.06.2023, the allegation is that they poisoned his son and he was shifted to the



Barkagaon Hospital where he breath his last, this led to the FIR.

4. Learned counsel for the petitioners submit that the story is entirely different from what has been recorded in the FIR. The fact remains that though the deceased married, Sama Parveen, due to some dispute, he used to live separately and actually was having strained relationship with his own parents and actually committed suicide. This fact can be taken note of from the order of the learned Sessions Judge where it has been recorded that the police has found the case to be true under Section 306/ 34 of the Indian Penal Code.

5. The submission is that these petitioners are mother-in-law, father-in-law, brother-in-law and the cousin mother-in-law. Further, the perusal of the list of accused persons would show that each and every family members of Sama Parveen have been implicated. If granted relief, they shall be cooperating/diligently appearing in trial.

6. Learned APP on the other hand submits that the police may have found the case to be true under Section 306/34 of the Indian Penal Code, the fact remains that the situation led the deceased to take the extreme step for which these petitioners should also be held responsible.

7. Considering the submissions of the parties as also



the fact that so far as these petitioners are concerned, they are mother-in-law, cousin mother-in-law, father-in-law and brother-in-law, the police has found the story to be otherwise, as reflects from the learned Sessions Judge order, FIR is there, he will have to face the trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

8. Let the petitioners in the event of their arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Muzaffarpur in connection with Karja P.S. Case No. 203 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

9. Before parting, this Court would like to put on
record its word of appreciation for Ms. Aditi Medha for the
assistance rendered.

(Rajiv Roy, J)

Raj Ranjan/-

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