

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56071 of 2025**

Arising Out of PS. Case No.-254 Year-2025 Thana- BASANTPUR District- Siwan

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1. Nasir Ali @ SK. Nasir S/o Taiyab Ali @ Sheik Taiyab R/o Vill.- Madarpur Pashim Tola, PS- Basantpur (Lakri Nabiganj), Distt.- Siwan
 2. Sabir Ali @ Sk. Sabir S/o Taiyab Ali @ Sheik Taiyab R/o of Vill.- Madarpur Pashim Tola, PS- Basantpur (Lakri Nabiganj), Distt.- Siwan
 3. Taiyab Ali @ Sheik Taiyab S/o Late Rasul Miyan R/o of Vill.- Madarpur Pashim Tola, PS- Basantpur (Lakri Nabiganj), Distt.- Siwan
 4. Aliya Khatoon @ Aliya Khatun W/o Nasir Ali @ SK. Nasir R/o of Vill.- Madarpur Pashim Tola, PS- Basantpur (Lakri Nabiganj), Distt.- Siwan
 5. Nusra Khatoon @ Nusra Khatun @ Misra W/o Jakir Ali R/o of Vill.- Madarpur Pashim Tola, PS- Basantpur (Lakri Nabiganj), Distt.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sheikh Ismail S/o Late Ishahak Miyan Vill.- Khwaspur, PS- Basantpur, Distt.- Siwan, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Advocate Md. Arif Daula Siddique, Advocate Mr.Noumaan Ahmad, Advocate
For the Opposite Party/s :		Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-12-2025 Heard the parties.

2. The petitioners are apprehending arrest in connection with Basantpur (LNG) P.S. Case No. 254 of 2025 instituted under Section 80 of the Bhartiya Nayay Sanhita, 2023 lodged on 30.04.2025 by the informant, Md. Sheikh



Ismail.

3. As per the prosecution story, the informant alleged that the deceased was married to Saqir Ali on 06.04.2022 but the families always tortured her for dowry. The Panchayati took place but finally on 29.04.2025, came the news of her death. This led to the FIR.

4. A coordinate bench earlier had called for the case diary which is on record. The post mortem report shows that the cause of death has been recorded as asphyxia due to hanging.

5. Learned counsel for the petitioners submit that the husband, Saqir Ali works abroad, the lady was in depression as he had not taken her to his working place, committed suicide. These petitioners are family members, having no role to play in the matter.

6. Learned APP opposes the prayer submitting that the lady is no more.

7. Considering the submissions of the parties, the blame is squarely is on Saqir Ali who having married the lady abandoned her and remained outside, the cause of death has been recorded as asphyxia due to hanging, these petitioners are family members having no criminal antecedent, FIR is



there, they shall be facing the music, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Basantpur (LNG) P.S. Case No. 254 of 2025 to the satisfaction of learned Chief Judicial Magistrate, Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her 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 their 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 their bail bonds.

(Rajiv Roy, J)

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