

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76648 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- VIJAYEPUR District- Gopalganj

1. Saibun Nesha @ Saulun Nesha Wife of Karamat Mian @ Karamat Miya Resident of Village - Chamukha, P.S. - Vijaypur in the district of Gopalganj
2. Karamat Mian @ Karamat Miya Son of Yshu Miya Resident of Village - Chamukha, P.S. - Vijaypur in the district of Gopalganj
3. Saddam Hussain @ Sadam Ansari Son of Karamat Mian @ Karamat Miya Resident of Village - Chamukha, P.S. - Vijaypur in the district of Gopalganj
4. Riyajuddin Mian @ Riyajuddin Ahmad @ Riyajuddin Ahamed Son of Karamat Mian @ Karamat Miya Resident of Village - Chamukha, P.S. - Vijaypur in the district of Gopalganj
5. Raish Mian @ Raies Miyan Son of Karamat Mian @ Karamat Miya Resident of Village - Chamukha, P.S. - Vijaypur in the district of Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Harshvardhan , Adv
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 08-07-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. At the outset, learned counsel for the petitioner seeks permission to withdraw the application filed on behalf of petitioner no. 2, Karamat Mian.

4. Permission is accorded.

5. The application on behalf of petitioner no. 2, Karamat Mian, is dismissed as withdrawn with liberty to surrender and seek regular bail and the same shall be considered without being



prejudiced by the present order, preferably, on the same day.

6. The allegation in the FIR is that a dispute was going on between the deceased and her husband Saddam Hussain due to an internal matter and when her husband had gone out, the named accused persons including these petitioners at the behest of father-in-law of (petitioner no. 2) strangled the deceased to death while she was sleeping.

7. Learned counsel for the petitioners submits that it would be apparent from the FIR itself, that there was some internal dispute going between the deceased and her husband and as a matter of fact, due to such dispute, the deceased, who was an over sensitive person committed suicide and no one is responsible for her death. It is also submitted that it was the father -in-law of the deceased, who was petitioner no. 2, who had given an information about the death of the deceased to the informant and his family. It is next submitted that so far as with regard to petitioner no. 4 Rayajuddin Mian, who is the brother-in-law of the deceased, was residing in Gujrat for the last six years and it has been accepted in the FIR itself and also supported by materials collected during the course of investigation, that the husband of the deceased, Saddam Hussain, petitioner no. 3, was also not present in the house. Learned counsel for the petitioner has also invited the attention of the court to the post mortem report of the deceased, which



shows that besides the ligature mark showing asphyxia due to strangulation, there is no other external injury found over the body of the deceased, which totally belies the oral allegation made in the FIR that all the accused persons had together caused the death of the deceased.

8. Learned APP for the State opposes the grant of anticipatory bail.

9. Considering the fact that the medical evidence does not completely support the oral allegation and also the fact that the thrust of the allegation is against the father-in-law, Karamat Mian and the allegation are to some extent specific against the parents-in-law of the deceased, let the above named petitioners in the event of their arrest/ surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Vijaypur P.S.Case No. 06 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Soni Shrivastava, J)

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