

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71738 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- ROH District- Nawada

1. Md. Kallu @ Md. Zafiruddin @ Kallu Son of Md. Nur Miya Resident of village- Khalifa Tola, Roh, PS- Roh, Dist.- Nawada.
2. Md. Masum @ Md. Masoom @ Md. Shahid Afridi @ Md. Afridi Son of Md. Kallu @ Md. Zafiruddin @ Kallu Resident of village- Khalifa Tola, Roh, P.S.- Roh, Dist.- Nawada.
3. Md. Arzu Khatun @ Arzu Khatun @ Arju Khatun Wife of Md. Kallu @ Md. Zafiruddin @ Kallu Resident of village- Khalifa Tola, Roh, PS- Roh, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Adv.
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP. Mr. Pramod Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2025 Heard Mr. Raj Kumar, learned counsel for the petitioners, Mr. Dilip Kumar No.1, learned A.P.P. for the State and Mr. Pramod Kumar Verma, learned counsel for the informant.

2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1, submitting that during pendency of this application petitioner no.1 has been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as



withdrawn in respect of petitioner no.1 only.

5. Now this application survives for petitioner nos. 2 & 3.

6. Petitioners apprehend their arrest in a case registered for offence punishable u/s 323, 341, 306, 504 and 506/34 of IPC.

7. As per the F.I.R., husband of the informant had taken loan from co-accused Md. Salam and there was dispute in payment of loan amount and its interest. Regular reminder was given by the accused persons for payment of interest as well as loan. Due to non-payment, they used to torture the husband of the informant physically and mentally. On a fateful day, the informant got information on her mobile that her husband has died in a rail accident. It is further alleged that due to the physical and mental torture given by the accused persons, the husband of the informant committed suicide.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. It is submitted that earlier an U.D. case has been filed on 25.06.2023 regarding the recovery of deadbody



of the informant's husband and thereafter, the complaint case was filed on 19.07.2023 by the wife of the deceased after delay of about a month, which itself creates doubt about the prosecution case. It is further submitted that petitioners had no role in the alleged occurrence. They have been made accused in the present case merely because they are *gotiyas* of co-accused Md. Salam, who has already been enlarged on bail by this Court vide order dated 10.07.2024 passed in 39178 of 2024. Petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

9. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

10. Having regard to the facts and circumstances of the case, since similarly situated co-accused have been enlarged on bail by this Court, let the above named petitioner nos. 2 & 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Roh P.S. Case No.73 of 2024, subject to the conditions



as laid down under Section 438(2) of the Cr.P.C.

11. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

