

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89971 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- PATAHI District- East Champaran

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- 1 . Naesh Mansoori S/O Hamid Mansoori Village- Mahmadi P.O.- Saraiya Gopai, Pathai, East Champaran, Bihar- 845457
 2. Rukhsar Khatoon @ Ruksaar Khatoon D/O Sabir Ahmad @ Sabir Alam , W/O Md. Arman Resident of Village Jagauliya Gulab Kha, P.S. Madhuban, Dist.- East Champaran, and Permanent Resident of Vill.- Jamalpur, P.O.- Barashankar, P.S.- Patahi, East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Vishal Prasad , Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2025 Heard learned counsel for the petitioners and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 328 , 302 and 34 of the IPC .

3 . As per F.I.R., informant resides in Delhi for his livelihood and his mother, sister and bhabhi Ruksar Khatoon



(petitioner No.2) reside at his house . It is further alleged that the bhabhi of informant Ruksar Khatoon developed illicit relation with Md. Naeesh Mansoori (petitioner No. 1). It is further alleged that 28.05.2023 the younger sister of informant, namely Guncha Khatoon saw her bhabhi Ruksar Khatoon in objectionable condition with petitioner No. 1 Md. Naeesh Mansoori and thereafter, both petitioners threatened Guncha Khatoon not to disclose the same to anyone otherwise they will kill her family members but the sister of informant disclosed the said occurrence to informant and his mother and when informant and his mother objected, then Ruksar Khatoon threatened them to implicate in false case . On 30.05.2023 when the sister of informant Guncha Khatoon had gone to school , in the meantime all the accused persons forcefully administered her poison due to which she died.

4. It is submitted on behalf of the petitioners that petitioner No. 2 is Bhabhi of deceased Guncha Khatoon, and they have falsely been implicated in this case due to family dispute . As a matter of fact, deceased Guncha Khatoon loved a person and wanted to marry with him, but informant and his family members did not solemnize the marriage of the deceased, and when deceased insisted for the same , then the informant



and his family members committed murder of Guncha Khatoon and immediately disposed of her dead body with a view to disappear the evidence, and when the petitioner No. 2 Ruksar Khatoon protested, then informant and his family members tortured these petitioners and lodged this false case against them. F.I.R. has been lodged after the delay of six months for which there is no plausible explanation, which itself creates doubt over the veracity of the entire prosecution case, and the entire F.I.R. is after due deliberation and afterthought. The informant is not an eye witness to the alleged occurrence and has only raised suspicion against these petitioners. Petitioners are school teachers and claim clean antecedent.

5 . Learned counsel for the State oppose the bail petition .

6 Considering the delay in lodging the lodging the F.I.R., clean antecedent of these petitioners and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM East Champaran Motihari in connection with Patahi P.S. Case No. 02



of 2024 , subject to the conditions laid down under section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) , 2023 .

(Prabhat Kumar Singh, J)

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