

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64 of 2025**

Arising Out of PS. Case No.-133 Year-2024 Thana- CHAKIA District- East Champaran

1. NEJAM ANSARI @ NEJAMUDDIN ANSARI @ MD. NEJAM ANSARI S/o Md. Islam Ansari R/o Village- Puran Chhapra, P.S.- Chakia, District- East Champaran
2. Sajda Khatoon @ Babi @ Baby Khatoon W/o Nejam Ansari @ Nejamuddin Ansari R/o Village- Puran Chhapra, P.S.- Chakia, District- East Champaran
3. Arman Ansari @ Md. Arman Ansari S/o Nejam Ansari @ Nejamuddin Ansari @ Md. Nejam Ansari R/o Village- Puran Chhapra, P.S.- Chakia, District- East Champaran
4. Sarfaraj Ansari S/o Nejam Ansari @ Nejamuddin Ansari @ Md. Nejam Ansari R/o Village- Puran Chhapra, P.S.- Chakia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv.

Mr. Suraj Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      04-02-2025                      Heard learned senior counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 302, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that after partition of the land between husband of informant and her Bhaisur (petitioner no. 1), the husband of informant constructed the house on the share of his own land. On 30.04.2024 at about 6:00 AM, petitioner no. 1 came at the door of informant and started



burying bamboo and on objection by informant and her family members, he (petitioner no. 1) assaulted mother-in-law of informant and on *hulla*, petitioners and other co-accused, named in the FIR, came and caught hand of informant's mother-in-law and petitioner no. 2 assaulted on her chest with brick, due to which, she fell down on the ground and died during course of treatment.

4. Learned senior counsel for the petitioners submits that informant is own brother of petitioner no. 1 and there was some quarrel between husband of informant and petitioner no. 1 due to land dispute. Deceased is mother of petitioner no. 1 and grandmother of petitioner no. 3 & 4. F.I.R. has been lodged after a delay of 8 days and there is no plausible explanation for the same. After investigation, police submitted chargesheet under Section 304/34 of the Indian Penal Code, vide Chargesheet No. 160/2024 dated 03.11.2024. In the *post-mortem* report, doctor has not found any external injury on the person of deceased and has opined that *death is caused due to disease of liver, lungs, kidney and heart*, which itself falsifies entire prosecution case. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition.



6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Motihari, East Champaran in connection with Chakia P.S. Case No. 133 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

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