

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31442 of 2015

Arising Out of PS.Case No. -135 Year- 2015 Thana -SUPAUL District- SUPAUL

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1. Md. Ashfaque @ Kailu @ Md. Asphak S/o Md. Shahjahn @ Niyamat
Resident of Village Chainsinghpatti, P.S. Supaul, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-11-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 304 (B), 498 (A) and 34 of the I.P.C

Khadeena Khatoon, daughter of the informant, was
married ten months ago with the petitioner and due to non
fulfillment of demand of washing machine and freeze poisoned
her to death.

Submission is of false implication and that as a matter
of fact the deceased committed suicide out of frustration as she
was married with the petitioner against her will. The petitioner has
voluntarily surrendered on 10.04.2015. In the postmortem report
no external injury was found on the body of the deceased and
F.S.L. report has not been received up till now and the charge

sheet has been submitted. During investigation the witness, namely, Md. Shamim vide paragraph-14 of the case diary has stated that the wife of the petitioner committed suicide as the petitioner is not handsome, whereas, his wife was handsome.

The learned A.P.P. submits that other witnesses have supported the occurrence.

In the facts and circumstances as stated above, considering the statement of independent witness and further that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Supaul in Supaul P.S. Case No. 135 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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