

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39754 of 2014

Arising Out of PS.Case No. -45 Year- 2012 Thana -FORBESGANJ District- ARRARIA

Imran Khan, Son of Dost Md. Khan, Resident of Village-Bhag Kohaliya
Ward No.5, P.S.-Farbisganj District-Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramashankar Singh, Adv.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 06-02-2015 Heard the learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody since 02.02.2012 in a case
registered for the offence punishable under Section 304(B) of the
Indian Penal Code.

The allegation against the petitioner is that he tied the
hands and put cloth in the mouth of the deceased, poured kerosene
oil and set her on fire. Thereafter the deceased was taken to the
hospital at Farbisganj whereafter, Purnea and Katihar and later on
to Siliguri and on the way to Siliguri, she died.

It is submitted that the petitioner is the husband of the
deceased. In the F.I.R., there is no demand of dowry and it has
been mentioned that the statement of the deceased was also taken



by the Katihar Police but there is no statement of the deceased on the record. It is further submitted that the deceased has gone to latrine and in the earthen lamp, the kerosene oil was spread there. As soon as she lit in the earthen lamp and there was flame of fire in which she got injury. Thereafter, the petitioner took his wife (deceased) for treatment and also informed the informant and the informant also came to see the deceased. The occurrence has taken place on 21.01.2012 and the informant has lodged the First Information Report on 01.02.2012 and that it is afterthought. During investigation, the informant has been re-examined and there is difference of allegation made in the written report and his restatement. He is also submitted that after investigation the police submitted charge sheet and thereafter the cognizance was taken and at present the trial was going on. Only three witnesses have been examined and the first witness was examined on 07.09.2013, the second one was examined on 12.01.2015 and the third one was examined on 21.01.2015 but none of them have supported the prosecution case. The petitioner has no criminal antecedent.

Considering the facts and circumstances of this case, the above-named 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 learned

Adhoc Addl. Sessions Judge, IVth Araria in connection with Farbisganj P.S. Case No. 45 of 2012 (S.Tr. no. 942 of 2012) with the following conditions:

1. One of the bailors will be the close relative of the petitioner.
2. The petitioner will not indulge in similar or in any other offence.
3. The petitioner will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J.)

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