

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43575 of 2015

Arising Out of PS.Case No. -97 Year- 2013 Thana -JOKIHAT District- ARRARIA

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1. Md. Israil Son of Md Safique R/o Village Barhauwa Tola, Matiyari, P.S.
Jokihat, District Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Indra Kumar Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 07-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Jokihat
P.S. Case No. 97 of 2013 registered for the offences punishable
under Sections 304(B), 120(B), 34 of the Indian Penal Code.

Raziya Khatoon, the daughter of the informant
performed court marriage with the petitioner and both went to
Hariyana, where she became pregnant and when she was brought
to the house of the petitioner, she was being assaulted and abused
and ultimately she was poisoned to death.

Submission is of false implication and that no offence
under Section 304(B) IPC is made out. No marriage has taken
place as alleged. The petitioner and the daughter of the informant

were having love affairs and they were living together but she was not willing to live at the house resulting she consumed poison herself and she was brought for treatment before Dr. Jamil but was not saved and died. Witnesses Md. Firdous Alam, Akbar and Rafid vide para 15, 19 and 32 of case diary have stated that the deceased consumed poison herself and, as such, the petitioner who is suffering in custody since 07.08.2015, deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that other witnesses have supported the prosecution version.

In the facts and circumstances stated above, considering that the three witnesses named above have not supported the prosecution version during investigation and further no external injury has been found on the person of the deceased by the doctor and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Araria arising out of Jokihat P.S. Case No. 97 of 2013 subject to the conditions that one of the bailors must be 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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