

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32253 of 2015

Arising Out of PS.Case No. -419 Year- 2014 Thana -KISHANGANJ District- KISANGANJ

1. Md. Wasim Akhtar @ Wasim Akatar S/o Late Amiruddin Resident of Village Sarogora (Blubari), Police Station Kishanganj in the District of Kisanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-11-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Kishanganj P.S. Case No. 419 of 2014 registered for the offences punishable under Sections 304(B) and 302 of the Indian Penal Code.

Allegedly Naz Praveen, the daughter of the informant was married to the petitioner before six months ago and she was being tortured for dowry and ultimately she was burnt resulting during treatment she died and before her death she said that accused person killed her by setting her on fire.

Submission is of false implication and that the



petitioner never demanded any thing. His wife was of short temper, several witnesses have stated during investigation that deceased committed suicide and herself set fire and in saving her the petitioner also received burn injury. The statement of the wife of the petitioner was recorded and in para-69 of the case diary Soyab Alam has stated that the wife of the petitioner set her on fire herself and there is no fault on the part of her husband. Md. Naim in para-70 has also stated similarly and the audio video recording is annexed with the case diary and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 28.11.2014, having no criminal antecedent. The learned counsel has referred Para nos. 6, 9, 10, 26, 69 and 70 of the case diary.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner is the husband.

In the facts and circumstances stated above, considering the statement of the witnesses as stated above that the wife of the petitioner set herself on fire and the petitioner also received burn injury in saving her and further chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 Sessions Judge, Kishanganj arising out of Kishanganj P.S. Case No. 419 of 2014 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.

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(Jitendra Mohan Sharma, J)