

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15767 of 2016

Arising Out of PS.Case No. -466 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

Sakib Alam @ Md. Sakeb Alam @ Sakib, Son of Badriuddin, Resident of
Village - Balwa Kashibari, P.S.- Kishanganj, District - Kishanganj

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Mr. Murli Dhar (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in jail custody since
15.12.2015 in connection with Kishanganj, P.S. Case No.466 of
2015 for offences punishable under sections 341, 323, 324, 325,
326, 307 and 302/34 of the Indian Penal Code.

The prosecution case is that one Chandani Khatoon gave
her fardbeyan on 29.11.2015 before police official of
Kishanganj Police Station stating therein *inter alia* that she has
been in love with petitioner-Sakeb for the last six months and on
28.11.2015 at about 11 P.M. he came to her house where she
proposed him for marriage but Sakib denied to marry for his
family member will not accept her. Further she blamed him of



sexually assaulting her. After the petitioner went from the place, she narrated the whole story to her mother. Her mother and uncle informed about the same to the father of the petitioner. Further petitioner with some others came at her house and started abusing and assaulting and the petitioner sprayed kerosene oil on her body and put her on fire. Thereafter the, neighbours extinguished the fire and carried her to M.G.M. Hospital.

It is submitted by learned counsel appearing for the petitioner that he is innocent having clean antecedent as appears from Paragraph-3 of this application and that the statement of the mother of the deceased Gulista Khatoon who has stated that her daughter was not in a position to make statement after the alleged occurrence and that she has herself poured kerosene oil upon herself as the petitioner who was her lover, refused marriage with the deceased.

It is further submitted by the learned counsel appearing for the petitioner has been chargesheeted under section 306 of the Indian Penal Code.

Learned APP submits that the petitioner has been named in the FIR and hence opposes a prayer for bail.

Be that as it may, considering the period of custody and

that chargesheet has already been submitted against the petitioner who undertakes not to abscond and there is no chance of tampering with the evidence, it is directed that the petitioner- Sakib Alam @ Md. Sakeb Alam @ Sakib be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj Police Station, P.S. Case No.466 of 2015.

It is however made clear that the petitioner will appear before the court/police as and when required and his failure to appear on two consecutive dates without any reason will entail cancellation of his bail bonds by the learned court below.

(Nilu Agrawal, J)

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