

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21950 of 2016

Arising Out of PS.Case No. -27 Year- 2014 Thana -SIDHWARA District- DARBHANGA

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Md. Naushad S/o Late Yusuf Quaraisi, Resident of Village- Shankarpur,
Police Station- Singhwara, District Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. S.Ehteshmuddin, APP

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

3 15-07-2016 Heard the learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Singhwara P.S. Case No. 27 of 2014 registered for the offence
punishable under Section 304(B)/34 of the Indian Penal Code.

Sahani Khatoon, the daughter of the informant, was
married to the petitioner one year ago and allegedly, due to non
fulfillment of demand of Rs. 10,000/-, she was being tortured
and ultimately, she was burnt by the petitioner and others and
during treatment at D.M.C.H., she died.

Submission is of false implication and that earlier
the petitioner was married with the elder sister of the deceased
but she died due to Diarrhea and thereafter, the petitioner was



married to Sahani Khatoon, the wife of the petitioner was cooking meal and at that time, stove burst causing burn injury to her, the petitioner also received some burn injury in his hands in saving her, the petitioner and his family members brought her at D.M.C.H. for treatment but she was not saved and died and thereafter, the informant lodged this false case. The witnesses Amina Khatoon, Munni Khatoon, Suhail Kureshi, Wader Alam Kureshi and others vide paras 5, 6, 7, 37 and others have not supported the prosecution version and have stated the innocence of the petitioner, the petitioner without any fault is suffering in custody since 23.11.2015, charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. submits that the petitioner is the husband.

In the facts and circumstances stated above, considering that there is no chance of tampering with the prosecution evidence, independent witnesses as stated above have not supported the prosecution version 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

Chief Judicial Magistrate, Darbhanga in connection with Singhwara P.S. Case No. 27 of 2014, 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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