

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33511 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -BAUNSI District- BANKA

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Md. Mustak Ansari son of Md. Iltaf Ansari resident/P.S. Nayagaon Bounsi,
Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

7 07-12-2016 Heard Mr. Pandey for the petitioner, Mr. Birendra
Prasad for the informant as well as the counsel for the State.

The petitioner being the husband of the deceased is facing prosecution under sections 304-B & 328/34 IPC in which the charge-sheet has been submitted under section 306 IPC vide Bounsi P.S. Case No. 33 of 2016.

The mother of the deceased lodged the case that within 3-4 years of marriage her daughter was subjected to enormous/extreme cruelty and subsequently was done away with her life while at Sasural. On information, she rushed there and found the dead body of her daughter lying in the courtyard.

The contention of the petitioner is that in course of



investigation it has come that the deceased out of anger/exasperation consumed poison resulting in her death. In the post mortem report, no external injury was found. The doctor has suspected the death to be of poisoning.

Counsel(s) for the State as well as the informant, on the other hand, submitted that on bare perusal of the FIR, it would reveal that the deceased was being tortured/persecuted by the in-laws including the husband. Even if it is a case of consuming poison, the allegation is serious as the circumstances were created which might have forced the deceased to take suicidal step by consuming poison. Apart from section 304-B, the petitioner is also facing prosecution under section 328 IPC.

Considering the facts and circumstances of the case, I am not persuaded to extend the petitioner the privilege of bail. Prayer is accordingly rejected.

If the trial does not record adequate/sufficient progress/headway within 10 months from the date of receipt/communication of this order, the petitioner shall have liberty to renew his prayer for bail in the court below itself which shall be considered and disposed of on its own merit in accordance with law.



Let the viscera report received be sent back to the
court below.

(Kishore Kumar Mandal, J)

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