

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37395 of 2016

Arising Out of PS.Case No. -100 Year- 2015 Thana -AMDABAD District- KATIHAR

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Jirwa, Son of SK. Mustaque, Resdent of Village- Bairiya, P.S.- Amdabad,
District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party : Smt. Asha Kumari (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends arrest in connection with
Amdabad P.S. Case No. 100 of 2015 for offence alleged under
Section 304B/34 of the Indian Penal Code.

The prosecution case is that the accused persons
named in the FIR including the petitioner poured Kerosene Oil on
the body of informant's daughter and set her ablaze who during
treatment succumbed to the injuries.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the
aforesaid case. He submits that he is the brother-in-law (Devar) of
the deceased and is living in Delhi as a daily wager and has no

concern with the family of his brother, husband of the deceased. He further submits that he has not been named in the First Information Report and that he has no criminal history as is evident from para-3 of this application.

However, learned APP for the State submits that although petitioner is not named in the First Information Report but belongs to the family of the husband of the deceased, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has not been named in the First Information Report and not present at the place of occurrence, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Amdabad P.S. Case No. 100 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

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