

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51273 of 2016

Arising Out of PS.Case No. -126 Year- 2016 Thana -MAHARAJGANJ District- SIWAN

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1. Mohammad Yunus Ansari @ Md. Yunus Son of Idris Ansari Resident of
Village-Gaur, P.S.-Maharajganj, District-Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-11-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in judicial custody since 29.06.2016
in connection with Maharajganj P.S.Case No. 126 of 2016 for the
offence alleged under 304 (B)/34 of the Indian Penal Code and 3 /
4 of Dowry Prohibition Act.

The allegation is that the petitioner along with other
co-accused including the husband of the deceased have done
away to death the sister of the informant for non fulfillment of
demand of dowry.

Learned counsel for the petitioner submits that the
year of the marriage has not been given in the FIR, hence it cannot
be asserted that it is a case under Section 304(B) of the Indian
Penal Code. He further submits that cause of death in the post



mortem report is by strangulation and not specific allegation has been pointed out against the petitioner nor any overt act has been allegedly committed by the petitioner. He further submits that the mother-in-law and sister-in-law of the deceased have since been granted privilege of bail in Cr. Misc. No.45515 of 2015 by a co-ordinate bench of this Court on similar allegation and the petitioner is the father-in-law. He further submits that the charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

Learned A.P.P. for the State submits that the petitioner is named in the FIR, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions made by both the parties, let above named petitioner 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 C.J.M., Siwan, in Maharajganj P.S. Case No.126 of 2016, subject to the condition that the petitioner shall appear before the police/ court below as and when required and on his failure on two consecutive dates, the court below will be at liberty to cancel his bail bonds.

(Nilu Agrawal, J)

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