

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45594 of 2015

Arising Out of PS.Case No. -14 Year- 2013 Thana -TEDHAGACHH District- KISANGANJ

1. Mukhtar S/o Alim Sah Resident of Village Mahua Baigana, Police Station Terahgachh, District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. U.S.P.Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 29-01-2016 Supplementary affidavit has been filed annexing Photostat copy of the deposition of four prosecution witnesses who have not supported the prosecution version. Keep it on the record.

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 304 (B)/34 of the I.P.C

Afsana Begam, the daughter of the informant, was married to the petitioner two years ago and allegedly due to non fulfillment of demand of dowry by way of Rs. 50,000/- she was being tortured and assaulted and ultimately she was poisoned to death.

Submission is of false implication and that there was

cordial relation between the petitioner and his wife, the wife of the petitioner consumed poisonous material kept in the house for agriculture purpose under misconception, other co-accused have been allowed bail and as such the petitioner who is suffering in custody since 16.09.2014 deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is the husband.

In the facts and circumstances as stated above, considering that during trial four prosecution witnesses have not supported the prosecution version and as such the petitioner is directed to 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 the Additional Sessions Judge, Kishanganj in S.T. No. 1150 of 2014 arising out of Terahgachh P.S. Case No. 14 of 2013, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--