

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2833 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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1. Md. Ahashan S/o Md. Israil Sain
2. Md. Israil Sain S/o Late Salim Sain Both are R/o Village- Chakwara,
P.S.- Pipra, District- East Champaran, Motihari.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sharda Nand Mishra, Advocate.

For the Opposite Party : Mr. G.S. Gupta (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-01-2016

Heard learned counsel for the petitioners and the State.

Petitioner no. 1 Md. Ahashan being the husband of the victim and petitioner no. 2 Md. Israil Sain being the father of petitioner no. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

The accusation is of killing of the niece of the informant after about five years of marriage for non-fulfillment of demand of dowry and disposing of the dead body.

It is submitted by the learned counsel for the petitioners that the victim died due to accidental fire while cooking. It is also submitted that petitioner no. 2 is claiming to be separate from

petitioner no. 1.

Considering the nature of accusation, this Court is not inclined to enlarge the petitioner no. 1 namely Md. Ahashan on anticipatory bail. Accordingly, the same is rejected. Let the learned court below consider the prayer for regular bail of the petitioner no. 1, if he surrenders within a period of six weeks in connection with Pipra P.S. Case No. 80 of 2015. Accordingly, this application so far as it relates to petitioner no. 1 is disposed of.

Considering the facts aforesaid and the fact that allegation is omnibus and general against petitioner no. 2 (Md. Israil Sain), let him be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of 12 weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Pipra P.S. Case No. 80 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

KKSINHA/ N.H.

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