

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7978 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -UCHAKAGAON District- GOPALGANJ

Munna Mian Son of Kabir Mian Resident of village-Pakhopali, P.s Kuchaikote, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Madan Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-05-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Uchakagaon P. S. Case No. 99 of 2015 registered for offences punishable under Sections 306 of the Indian Penal Code.

The prosecution case as lodged on the fardbeyan of the informant, in brief, is that the marriage of her daughter was finalized one year before with Sarfaraj but at that time he was in foreign country and marriage could not be solemnized. In the meantime, petitioner, Munna Mian flashed a wrong message to Sarfaraj on phone that he has physical relation with Rukhsar due to which the daughter of the informant had gone in depression and her daughter set herself on fire and during course of treatment on way to Gorakhpur, she died.

It has been submitted by the learned counsel for the

petitioner that the petitioner is innocent and has committed no offence and has been falsely implicated in the aforesaid case. He further submits that no independent witness has supported the prosecution case and he has no criminal antecedent as is evident from para-3 of this application.

Learned counsel appearing on behalf of the State submits that although all independent witnesses in paras- 8, 9 and 10 as well as para -19 of the supervision note also does not support the complicity of the petitioner but the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has clean antecedent and independent witnesses have not supported the prosecution case, let the 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 only) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Gopalganj in connection with Uchakagaon P.S.Case No. 99/2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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