

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18544 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -THAWE District- GOPALGANJ

- =====
1. Izahar Mian Son of Late Hussain Mian
2. Gulabo Khatoon Wife of Izahar Mian Both resident of Village- Khanpur,
P.S.- Thawe, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh
For the Opposite Party/s : Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-06-2016 Heard learned counsel for the petitioners, learned

A.P.P. representing the State and learned counsel for the

informant.

The petitioners seek bail in connection with Thawe

P.S. Case No. 02 of 2016 registered for the offence punishable

under Section 304(B)/34 of the Indian Penal Code.

Roshan Tara Khatoon, the daughter of the informant

was married to Nasaaruddin Ansari @ Najib Ali, the son of the

petitioners about 2 and ¾ years ago and allegedly, she was burnt

by the petitioners and other co-accused and was brought for

treatment in the hospital. Her statement was also recorded by the

police and later on she died.



Submission is of false implication and that earlier as alleged, statement of Roshan Tara Khatoon was recorded but on that basis no First Information Report was registered and after the death, on the basis of fardbeyan of the informant, this case has been registered. Specific allegation for burning Roshan Tara Khatoon, which is evident from the statement of Roshan Tara Khatoon recorded in para-19 of the case diary, is against the husband and not against the petitioners and without any fault the petitioners are suffering in custody since 17.02.2016. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail.

In the facts and circumstances stated above, considering that specific allegation for burning Roshan Tara Khatoon is against her husband and further there is no chance of tampering with the prosecution evidence and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Thawe P.S. Case No. 02 of 2016 subject to the conditions that one of the bailors

must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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