

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53117 of 2015

Arising Out of PS.Case No. -208 Year- 2014 Thana -NOKHA District- SASARAM (ROHTAS)

1. Akhtar Ansari, Son of Sahboob Ansari @ Jaimul Ansari, Residence of Village- Baraon, P.S.:- Nokha, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-01-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 498 A, 307 and 302 of the I.P.C

Rubi Khatoon, the daughter of the informant, was married to the petitioner on 04.05.2013 and due to non fulfillment of demand of gold chain she was burnt by other in-laws including the petitioner and was brought for treatment under the pressure of villagers at Varanashi and during treatment she died.

Submission is of false implication and that the petitioner was having cordial relation with his wife, when she was cooking accidentally fire caught her and then the family members of the petitioner had brought her for treatment to save her life and



in treatment heavy expenses was spent by the petitioner but unfortunately she was not saved, the occurrence is of 02.12.2014 but only with a view to extract money the informant lodged this case on 10.12.2014 though he was informed about the incident, at the time of inquest the petitioner was present there and inspite of that this false case has been lodged. At the time of occurrence the petitioner was not in his village rather he was at Bhiwandi (Maharashtra) in his private job in the power-loom of Sadique Sheikh and on 03.12.2014 he proceeded for his village after hearing about the occurrence which is evident from the railway ticket, no independent witness has come forward to support the prosecution version and the investigating officer has found earthen oven near the place of occurrence and as such the petitioner who is suffering in custody since 27.07.2015 deserves sympathetic consideration as other co-accused having graver allegation have already been allowed pre-arrest bail by the learned court below itself.

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 daughter of the informant was brought for treatment by the family members of the petitioner and further FIR

has been lodged after much delay though the informant was aware about the incident 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 S.D.J.M. Sasaram, Rohtas in Nokha P.S. Case No. 208 of 2014, 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.

(Jitendra Mohan Sharma, J)

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