

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38051 of 2016

Arising out of P.S. Case No. -100 Year- 2015 Thana -
AMDABAD District- KATIHAR

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Mustaque, Son of Late Jarat, Resident of Village - Bairiya, P.S. -
Amdabad, District - Katihar.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner: Mr. Ajit Kumar Singh, Advocate.

For the Informant: Mr. Sanjeev Kumari Singh, Advocate.

For the State : Mr. Amitesh Kumar, APP.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

02. 30.09.2016

Heard learned counsel for the petitioner, informant and
the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 304(B)/34 of the
Indian Penal Code.

As per the allegation, the daughter of the informant was
burnt away by in-laws. It is submitted on behalf of the petitioner
that he has not been named in the First Information Report for
the reason that he was not in the house at the time when the
occurrence took place.

Learned counsel for the Informant has submitted that

the petitioner is not named in the First Information Report since he was not in the house at the time of occurrence but it has come in the case diary that he has ordered his wife on telephone to set Poonam Khatoon on fire.

Per contra, learned counsel for the petitioner submits that the allegation is absurd on its face as a third person living away from the concerned house has no means to know that what had transpired between the husband and wife on telephone. It is further contended that the husband is already in jail.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Mustaque be released on bail in the event of his arrest/surrender before the court below within a period of six weeks from today in connection with Amdabad P.S. Case No. 100/2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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