

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25732 of 2016

Arising Out of PS.Case No. -194 Year- 2016 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Anwar Mansoori S/o Late Suleman Mansoori resident of Village- Rasulpur,
P.S.- Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-08-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Sections 302 and 201/34 of the Indian Penal Code.

Allegation is that nephew of the informant went to the
house of the petitioner to take Rs. one lac twenty thousand and he
was killed by the petitioner and his daughter.

It has been submitted on behalf of the petitioner that he is
in custody since 13.2.2016. Chargesheet has been submitted
against the petitioner. Petitioner has got no criminal antecedent.
No allegation of tampering of witnesses is alleged against the
petitioner. It is a case and counter case between the parties.
Informant of the counter case is the daughter of this petitioner.
Counter case has been instituted for offence under Section 376 and
other allied Sections of the Indian Penal Code and under POCSO
Act. In Annexure-2, the daughter of the petitioner has
categorically stated that the deceased had come to her house and
wanted to commit rape upon her. The daughter of the petitioner to
save herself tied her dopatta in the neck of the deceased and due to
which the deceased died. The post mortem examination report

also suggests that the deceased died due to strangulation. It is further submitted that the daughter to save herself from being raped by the deceased had killed the deceased. By stating so, she had exercised her right to private defence.

On behalf of the State, it is submitted that admittedly it is a case and counter case between the parties. The informant of the counter case was examined under Section 161 of the Code of Criminal Procedure where she has supported the statement made in Annexure-2 to the present application.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, District -Rohtas, in connection with Sasaram (Muffasil) P.S. Case no. 194 of 2016.

(Sudhir Singh, J)

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