

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22980 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -FESHAR District- AURANGABAD

Ashok Singh Son of Late Mungeshwar Singh Resident of village -
Karanja, Police Station Fesar District Aurangabad (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Kamendra Pd. Singh, Advocate
For the Opposite Party : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-08-2016 A supplementary affidavit has been filed on behalf of
the petitioner, which is kept on record.

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

The petitioner is in custody in connection with Fesar
P.S.Case No.50 of 2015 registered for an offence under Sections
304(B) and 201 of the IPC.

As per the prosecution case, it is a case of murder of
informant's married daughter, namely, Rinki Kumari, who is aged
about 20 years by the accused persons due to non-fulfilment of
demand of dowry.

Learned counsel for the petitioner submits that the
petitioner is in custody since 31.10.2015. Charge-sheet has been

submitted in the case. There is no allegation of tampering of witnesses alleged against the petitioner. Petitioner has got no criminal antecedent. From perusal of paras-10 and 11 of the case diary, it is evident that the independent witnesses have stated that the deceased died due to illness. The FIR was instituted on 08.10.2015 but the same was seen by the Chief Judicial Magistrate, Aurangabad on 26.10.2015. There is no explanation on the part of the prosecution for the said fact. Annexure-4 to the supplementary affidavit shows that the deceased was being treated at Patna Medical College Hospital, Patna. Annexure-3 is the petition filed by the informant in the court below stating that the case was instituted due to mistake of fact.

On behalf of the State, it is submitted that the petitioner is named in the FIR and he is husband of deceased.

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) with two sureties of the like amount each to the satisfaction of **Sri Sandeep Agnihotri, Judicial Magistrate, Ist Class, Aurangabad** in connection with **Fesar P.S.Case No.50 of 2015.**

(Sudhir Singh, J)

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