

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25179 of 2017

Arising Out of PS.Case No. -212 Year- 2016 Thana -KHAJEKALA District- PATNA

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AFTAB ALAM @ BABLU S/o Salauddin Resident of Village - Bagh
Malooklhan, P.S. Khajkhan, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anwar Karim, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 22-11-2017 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

Petitioner seeks regular bail in connection with Khajekala
P.S. Case No. 212 of 2016 for offences alleged under Sections
304B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant is that
his sister Gulshan Ara was married to the petitioner and has two
children out of wedlock. She was always tortured for non-
fulfillment of demand of dowry by the petitioner and other in-laws
for which a case was lodged in which the petitioner had been
taken to custody, but on undertaking that he would keep her with
full dignity and honour, he was released. But his attitude towards
informant's sister did not change and ultimately she was killed by



hanging.

It has been submitted by the learned counsel for the petitioner that he is innocent and his wife had committed suicide as is evident from the suicide note recovered from the place of occurrence and that he is languishing in judicial custody since more than one year and three months and that case has already been committed to the court of Sessions.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the suicide note was found to be suspected by the F.S.L. team and that in spite of assurance to keep the informant's sister with full dignity and honour in the earlier case, the wife has been killed by the petitioner and in-laws.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and period of detention, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patnacity, in connection with Khajekala P.S. Case No. 212 of 2016, subject to the following conditions:-



(i). One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner.

(ii). Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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