

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30799 of 2017

Arising Out of PS.Case No. -158 Year- 2016 Thana -BENIPATTI District- MADHUBANI

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1. MD. GULAB @ SURAJ, Son of Md. Lal, Resident of Village- Basaith,
P.S. Benipatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 21-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
11.10.2016 in connection with Benipatti P.S. Case No. 158/2016
for offences punishable under Sections 304-B/34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his sister Samida Khatoon was married to the petitioner six
years back and had a four year old daughter out of the wedlock.
Allegation is that for non-fulfillment of demand of Rs. 50,000/-
the petitioner and his family members have killed the informant's
sister.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that some of the independent witnesses have not supported the prosecution story stating that the petitioner and the deceased had a happy marital life and they do not know the cause why the deceased hanged herself.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is the husband of deceased and some of the independent witnesses have supported the prosecution case.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of one year in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Benipatti, Madhubani, in connection with Benipatti P.S. Case No. 158/2016, subject to the condition that both the bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the



petitioner and that 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)

Rajesh/-

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