

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49183 of 2016

Arising Out of PS.Case No. -271 Year- 2015 Thana -BIHTA District- PATNA

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1. Md Majid Ansari @ Majid Ansari, Son of Nasir Ansari, Resident of Village- Parari, P.S.-Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Nath Jha

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-01-2017 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor.

The application is for grant of bail in connection with Bihta PS case no. 271 of 2015 for the offence under Sections 498A, 304B/34 of the Indian Penal Code.

It is submitted on behalf of petitioner that in FIR, there is no allegation of demand of dowry, as such, no offence under Section 304B is made out. It is further submitted that in the case diary, all witnesses have stated that she herself has taken poison and no one has administered poison to her. It is further submitted that petitioner is in custody for more than one year.

Heard learned A.P.P. also. Learned A.P.P. has opposed the prayer for bail.



Having heard both sides. From perusal of case, it appears that in FIR there is no allegation of demand of dowry but in the case diary, demand of Rs. 50,000/- has been mentioned but it is initially stated that there is nothing like that. Some of the witnesses have stated that she herself has taken poison. Moreover, viscera report is not available on the record. As such, the bail application of petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Danapur in connection with Bihta PS case no. 271 of 2015 with a condition that bailors should have the property within the jurisdiction of learned court below with further condition that he will cooperate in the disposal of the case and his failure to attend the court on two consecutive dates will liable for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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