

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47427 of 2017

Arising Out of PS.Case No. -87 Year- 2017 Thana -PRANPUR District- KATIHAR

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1. Md. Akhtar S/o- Hannan @ Md. Hannan, resident of Village-
Ramchandrapur, Kewala, P.S. Pranpur, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-11-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in connection with Pranpur
P.S. Case No. 87 of 2017 for offences punishable under
Sections 363, 365 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that the petitioner had earlier forcibly raped his daughter
Nashima Khatoon but on intervention of the village
panchayat both were married on 24.01.2013, but she was
subjected to torture for non-fulfillment of demand of dowry
for which his daughter filed a case against the petitioner, who
was her husband, and other in-laws being Complaint Case



No. 729 of 2015. She had also lodged Maintenance Case No. 72 of 2015 in which by order dated 09.02.2017 she was awarded maintenance of Rs. 3,000/- to be paid by the petitioner every month to the informant's daughter. It is alleged that on 26.05.2017 his daughter went for natural call and did not return. Further allegation is that his daughter was seen with her in-laws, who are alleged to have taken her away. The dead body of the informant's daughter was found after five days of the alleged occurrence.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and no such offence has been committed by the petitioner. He submits that just because he is the husband of the deceased and earlier the deceased had lodged case against the petitioner and other in-laws and maintenance case was also lodged by the deceased, the petitioner has been made accused only on suspicion. He further submits that there is no eye-witness to the alleged occurrence, First Information Report has been lodged on 31.05.2017 but no plausible explanation has been given for such delay and no case of kidnapping or disappearance has been lodged by the informant's side. It is further submitted that charge-sheet has



already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and he is languishing in judicial custody since 05.06.2017. It is also submitted that only interested witnesses have supported the prosecution case.

However, learned APP for the State opposes the prayer for bail stating therein that the matrimonial relationship of the petitioner and the deceased was not cordial.

Considering the facts and circumstances and the materials on record, let 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 A.C.J.M.-I, Katihar, in connection with Prampur P.S. Case No. 87 of 2017, subject to the conditions that :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, 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.

Rajesh/-

(Nilu Agrawal, J)

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