

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40272 of 2017

Arising Out of PS.Case No. -244 Year- 2015 Thana -POTHIYA District- KISANGANJ

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MD. ABU @ ABU Son of Hakimuddin, R/o Village- Guwabari, Tin Mile,
P.S.- Chopra, District- Uttar Dinazpur (West Bengal).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-10-2017 Learned counsel for the petitioner has filed a supplementary affidavit stating therein that the address of Hakimuddin father of the petitioner has wrongly been typed in the affidavit portion and his address be corrected as resident of village-Guwabari, P.S.-Chopra, District-Uttar Dinazpur (W.B).

Let the address of the deponent who is father of the petitioner be corrected as mentioned hereinabove.

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

Petitioner is languishing in judicial custody since 29.05.2017 in connection with Pothiya P.S. Case No. 244 of 2015 (S.O.S) G.R. No. 1916 of 2015 for offences punishable under Sections 364/302/120(B)/34 of the Indian Penal Code.



The prosecution case, as lodged by the informant, is that his son in law Lal Miyan who was married to his elder daughter Rukaiya Begum came to his Sasural and took away his younger daughter Rubiya Begum on the pretext that her sister is ill and there is no one to look after her. Thereafter on inquiry from Rukhiya Begum it was found that she was not ill and after two days the dead body of the informant's younger daughter Rubiya Begum was found near the railway line. It is alleged that the co-accused Lal Miyan along with the petitioner must have outraged her modesty and killed her.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the main accused Lal Miyan has been acquitted by the Sessions Judge, Kishanganj in Sessions Trial No. 97 of 2016 on 20.10.2016 in which the informant and the deceased's mother has not stated anything about the said co-accused Lal Miyan. He submits that the petitioner's name has been unnecessarily dragged and just because he is brother-in-law of Lal Miyan, he has been made accused in the present case.

However, learned APP for the State opposes the prayer for bail.



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 Additional Chief Judicial Magistrate-2nd Kishanganj in connection with Pothiya P.S. Case No. 244 of 2015 (S.O.S.) G.R. No. 1916 of 2015, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) 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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