

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18964 of 2017

Arising Out of PS.Case No. -364 Year- 2016 Thana -BELAGANJ District- GAYA

- =====
1. Abul Hasan Mian @ Md. Abul Hasan, son of Md. Faisal
 2. Md. Sarwar Alam alais Md. Sarvar, son of Abul Hasan Mian
 3. Tabassum Praveen, daughter of Abul Hasan mian
 4. Hasisa Khatoon alias Hassina Khatoon, wife of Abul Hasan Mian , all resident of Village Bansi Bigha, P.S. Belaganj, District Gaya

.... Petitioner/s

Versus

1. State of Bihar
2. Md. Mokimuddin, son of late Md. Salim, resident of Village Bhalua I P.S. Belaganj, District Gaya

.... Opposite Party/s

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with

Criminal Miscellaneous No.29454 of 2017

Arising Out of PS.Case No. -364 Year- 2016 Thana -BELAGANJ District- GAYA

- =====
1. Md. Faishal son of Abu Hasan Mian resident of village - Bansi Bigha Police Station Belaganj, District Gaya,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Mokimuddin son of late Md. Salim Resident of village Bhalua Police Station Belaganj District Gaya.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.18964 of 2017)

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

(In Cr.Misc. No.29454 of 2017)

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

5 20-07-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in Belaganj P.S.



Case No.364 of 2016 instituted for the offences under Sections 147, 326, 307, 379 and 498A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

As per First Information Report marriage was solemnized on 13.4.2015. Rs.10 lacs were given as dowry whereafter in-laws and husband are demanding the money and torturing the victim. It has been mentioned that accused persons have put fire on the body of the victim who later on died on motor accident.

Learned counsel for the petitioners submits that story which has been narrated in the First Information Report is completely unbelievable. At the same time admittedly husband was posted in the unit at Bikaner and question of his presence does not arise. In as much as there were 18-20% burn injuries. Different paragraphs of the case diary show that she was put to fire by the accused persons. She received burn injuries and later on died.

In such view of the matter, this Court is not inclined to enlarge the petitioners of Cr. Misc. No.18964 of 2017 on anticipatory bail. Accordingly their prayer for bail is rejected.

So far petitioner of Cr. Misc. No.29454 of 2017 is concerned admittedly he was not there and he was in the Unit at



Bikaner.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Md. Faishal of Cr. Misc. No.29454 of 2017, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No.364 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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