

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35685 of 2017

Arising Out of PS.Case No. -283 Year- 2016 Thana -SA SARAM MUFFSIL District- SASARAM
(ROHTAS)

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Hafiz Musaffar Ansari @ Muzaffar Ansari Son of Sarphuddin Ansari, R/o
Village- Aupur, P.S.- Chhatarpur, District- Palamu.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 27-11-2017

Perused the report at 'Flag-B'.

Heard the counsels for the parties.

The petitioner seeks bail in connection with Sessions
Trial No. 298 of 2016, arising out of Sasaram (Muffasil) P.S. Case
No. 283 of 2016, dated 27.02.2016 instituted for the offences
under Sections 302, 201 and 34 of the Indian Penal Code.

The deceased is said to be the second wife of the
petitioner. As per the allegation, the petitioner had solemnized
marriage with the deceased during the subsistence of his marriage
with another woman. The deceased was taken to Sasaram by the
petitioner and thereafter, her dead body was found. The report
regarding the same was lodged by the Chowkidar.

Learned counsel for the petitioner has submitted that



the deceased had left the house of her own and, the petitioner is not at all aware as to how she died. Though, the post-mortem report talks of the cause of death due to asphyxia, but there is no witness to the occurrence. This Court takes umbrage at the fact that after filing of the charge sheet and the charges framed way back on 28.09.2016, but till date, not a single prosecution witness has been examined before the trial court. The report at 'Flag-B', however, indicates that all steps are being taken for the production of the witnesses.

Taking into account the fact that the petitioner is in custody from 29.02.2016 and that not a single prosecution witness has been examined so far, this Court is inclined to grant bail to the petitioner.

In the facts and circumstances, the petitioner above named is directed to be released on bail on furnishing his bail bond of a sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VII, Rohtas at Sasaram in connection with Sessions Trial No. 298 of 2016, arising out of Sasaram (Muffasil) P.S. Case No. 283 of 2016.

(Ashutosh Kumar, J)

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