

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47166 of 2017

Arising Out of PS.Case No. -791 Year- 2016 Thana -BANKA District- BANKA

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MD. JILANI @ MD. JILANI ANSARI Son of Kuchan Mian, R/o Balia,
Mehra, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pranav Kumar Jha, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 11-12-2017 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioner is languishing in custody since
01.08.2017 in a case for the offence registered under Sections
498(A), 307, 326/34 of the IPC. Later on Section 304(B) of the
IPC was also added.

The prosecution story, in brief, is that the accused
persons including the petitioner killed the victim due to non-
fulfillment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet has been submitted in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The deceased was taken to the doctor for her treatment. Due to ill health, she has died. The petitioner has relied upon the statement, of the doctor and the compounder, recorded in paragraph nos. 42 and 43 of the case diary.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case. The petitioner is husband of the deceased and onus is on him to explain the cause of death of the deceased. F.I.R. is the dying declaration of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Banka P.S. Case No. 791 of 2016, pending in the court of learned C.J.M. Banka.

Anyhow, the court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)

