

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1739 of 2017

Arising Out of PS.Case No. -28 Year- 2016 Thana -ANGADH District- PURNIA

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1. Md. Yashin @ Yashin, Son of Late Salimuddin,
2. Md. Jamil @ Md. Jamil Akhatar, Son of Md. Yasin.
3. Hanif, Son of Late Salimuddin.
4. Mohsin @ Mosim, Son of Sahabuddin,
All are residents of Village- Chandel, Police Station- Angarh, District-
Purnea. Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 08-02-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Angarh P.S. Case No. 28 of 2016 registered for the offence
punishable under Sections 304B/34 of the Indian Penal Code.

Bibi Sahin, the daughter of the informant, was married to
Md. Mojammil and out of the wedlock a daughter was born but
she was not cared properly, resulting, she became very weak, she
was not providing food and medicine and when pressure was
made, they used to demand dowry for purchasing motorcycle and
further the husband used to assault the daughter of the informant.
Petitioner no. 1 and mother-in-law have instigated the husband to
give Talaque and the petitioners and other co-accused assaulted



the daughter of the informant and killed her by strangulation and became absconding from the house.

Submission is of false implication and that petitioner no. 2 is the dewar, petitioner no. 3 is uncle-in-law and petitioner no. 4 is cousin dewar and against them there is no specific allegation and as such the petitioners deserves sympathetic consideration. Regarding assault the specific allegation is against the husband and allegation against petitioner no. 1 is only that he instigated for giving Talaque and accordingly, the husband gave one Talaque to put pressure to fulfill the demand of dowry, the informant is not the eye witness. During investigation no witness has come forward as an eye witness to say that the petitioners have committed any assault or killed the daughter of the informant, the husband is already in custody, witnesses examined are the relatives of the informant.

Learned APP opposes the prayer of bail by submitting that in post mortem report cause of death has been found due to strangulation.

In the facts and circumstances stated above, considering the specific allegation against petitioner no. 1, I am not inclined to grant privilege of pre-arrest bail to him, accordingly, his such prayer stands rejected.



So far as petitioners no. 2, 3 and 4 are concerned, they, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, VI, Purnea in connection with Angarh P.S. Case No. 28 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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