

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19206 of 2017

Arising Out of PS.Case No. -175 Year- 2016 Thana -KURTHA District- JEHANABAD

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Md. Shakil Ahmad @ Md. Shakeel Ahmad, son of Md. Israi Ahmad,
resident of village- Gangapur, Police Station-Kurtha, District-Arwal

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Adv.

For the Opposite Party/s : Mr. Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 20-07-2017 Heard Smt. Anita Kumari Singh, learned counsel

for the petitioner and Mr.Md. Ansaraul Haque, learned Addl.

Public Prosecutor.

The sole petitioner, husband of the deceased, has
approached this Court with a prayer to extend the privilege of bail,
in the event of his arrest or surrender in Kurtha P.S. Case No.175
of 2016 registered for the offence under Section 304(B)/34 of the
Indian Penal Code.

It was submitted by learned counsel for the
petitioner that though the petitioner is husband of the deceased,
fact remains that the deceased had accidentally received fire injury
and thereafter she was carried to hospital with the help of villagers
and during treatment she died. She further submits that on perusal
of the F.I.R. itself, it is evident that it was not a case under Section



304(B) of the Indian Penal Code since the informant himself has stated in the fardbeyan that the marriage was solemnized about eight years back, even then the police has registered the case under Section 304(B)/34 of the Indian Penal Code. She further submits that during investigation, witnesses were examined and finally the supervising authority has stated that the victim was carried by the petitioners and villagers to hospital and subsequently she died. She further submits that even in the supervision, fact has come that it was not case under Section 304(B) of the Indian Penal Code, rather it was case under Section 306 of the Indian Penal Code.

Though, earlier case diary was called for, learned Addl. Public Prosecutor submitted that case diary was not readable, whereas I have perused carbon copy of the case diary and case diary is well readable.

In view of fact that the marriage was solemnized eight years back and during supervision, no case under Section 304(B) has been made out, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Let the petitioner, namely, Md. Shakil Ahmad @ Md. Shakeel Ahmad, in the event of his arrest or surrender within six weeks from today, be released 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 Chief Judicial Magistrate, Arwal in connection with Kurtha P.S. Case No.175 of 2016, subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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