

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8650 of 2018

Arising Out of PS.Case No. -143 Year- 2017 Thana -THAWE District- GOPALGANJ

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1. Nabirasul Ansari Son of late Habib Ansari Resident of Village-
Narayanpur Naya Tola, P.S. Thawe, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 07-03-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 06.10.2017
in connection with Tahwe P.S. Case No. 143/2017 registered for
the offences punishable under Sections 341/323/326/307/435/436/
427/504/34 of the Indian Penal Code and later on Section 302 of
the Indian Penal Code was added.

Learned counsel for the petitioner submits that there
is land dispute between the parties with case and counter case
between them. It is submitted that prior to the lodging of the
present case, the petitioner's side had also filed a case alleging
marpit and burning of hut of the informant's side. The allegation
against the petitioner is that he had sprinkled kerosene oil on the
lady Lagia Devi and lit fire resulting in her death.



Diary in this case was called for which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that admittedly there was some dispute between the parties and they had been assaulting each other and, therefore, the house was set afire. There was also a fight between the ladies of the two houses, thereafter, one of the ladies got burnt to death. The deceased in the present case is one such lady Lagia Devi. Such facts stand corroborated in paragraph No. 60 and 61 of the case diary wherein independent witnesses have stated that the women were fighting amongst themselves and, thereafter, they got burnt in the fire which had taken place in the fire of the hut which had been set on fire.

Having considered the entire facts and circumstances and the materials existed in the case diary, let the petitioner above named, be released on 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, Gopalganj, in connection with Thawe P.S. Case No. 143/2017, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his



wife.

- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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