

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4764 of 2018

Arising Out of PS.Case No. -463 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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Jasim Ansari @ Jisim Ansari, S/o Ajim Ansari, Resident of Village-
Madhuban Ward No. 3, P.S. and District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Virendra Kumar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 15-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 493 of 2017 arising out of Sitamarhi P.S. Case No. 463
of 2015 registered under Section 304(B)/34 of the Indian Penal
Code.

The petitioner who happens to be husband of the
deceased is said to have committed dowry death of the deceased in
association of his family members.



It is submitted by learned counsel for the petitioner that the marriage was solemnized seven years back from the date of occurrence. Hence, no offence under Section 304(B) IPC rather under Section 302 IPC is allegedly made out. Allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no eye witness of the occurrence. Inquest report also does not indicate any external injury on the person of the deceased. In the post mortem report though the doctor has found blackish swelling over back chest and abrasion over left elbow, but that is not sufficient to cause death to the deceased. Moreover the doctor has also not opined the cause of death of the deceased due to the aforesaid injury rather kept his opinion reserved till obtaining viscera report. The petitioner has been languishing in custody since 30.06.2017. Co-accused, namely, Ajim Ansari has been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No. 27993 of 2017 vide order dated 12.07.2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Fast Track Court-II, Sitamarhi in connection with Sessions Trial No. 493 of 2017 arising out of Sitamarhi P.S. Case No. 463 of



2015 with condition that the petitioner shall appear before the court on each and every date fixed and cooperate with the trial of the case and in case of failure on the part of the petitioner to appear in the case on any two consecutive dates, his bail bond shall stand cancelled.

(Prakash Chandra Jaiswal, J)

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