

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62439 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -JOKIHAT District- ARRARIA

=====

Md. Ishaque Son of Late Umed Ali resident of village - Bara Istambrar,
Police Station Jokihat, District Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Sri Satyendra Prasad

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-01-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
24.09.2017 in connection with Jokihat P.S. Case No. 93 of 2017,
G.R. No. 1013 of 2017 for offences punishable under Sections
304B, 120B, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his sister Bibi Rukhsar was married to Md. Yakub son of the
petitioner four years back and there was some dispute earlier for
which informant's sister was turned out of the house but later she
was brought in her matrimonial house and given some land. He
submits that there was always quarrel between the petitioner and
the husband of the deceased with Bibi Rukhsar and ultimately she



was killed by the petitioner and other family members.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He is the father-in-law of the deceased Bibi Rukhsar and is an old person of 65 years of age and that husband is already in custody. He further submits that some of the witnesses have stated that the entire family except the husband and one of his friends were present in the house on the date of occurrence and some independent witnesses have also stated that the petitioner had a separate home and hearth. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant and the State oppose the prayer for bail stating therein that some of the independent witnesses have stated that the petitioner and his son and daughter-in-law (deceased) were living jointly and the petitioner subjected the deceased to torture and that the land which was transferred earlier was the bone of contention between them.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned



Chief Judicial Magistrate, Araria in connection with Jokihat P.S.
Case No. 93 of 2017, G.R. No. 1013 of 2017, subject to the
conditions that:

- (1) One of the bailors would be a close relative of the
petitioner, who will file an affidavit stating his relationship
with the petitioner.
- (2) Petitioner will appear before the learned court below
during trial as and when required and failure to appear on
two consecutive dates without assigning any reason will
entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Arjun/-

U		T	
---	--	---	--

