

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39171 of 2018

Arising Out of PS.Case No. -732 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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Rafique Ansari, Son of Late Bolayat Ansari, Resident of Village- Muraha,
P.S.- Majorganj, District- Sitamarhi. At present residing at Mohalla-
Rajopatti Ansari Road, P.S. & District- Sitamarhi **Petitioner**

Versus

The State of Bihar **Opposite Party**

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Senior Advocate
Mr. Virendra Kumar, Advocate
For the State : Mr. Sanjay Kumar Singh, APP
For the informant : Mr. Dinesh Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 03-10-2018 Heard learned Senior counsel for the petitioner, the
State and the informant.

The petitioner has approached this Court for grant of
bail after having withdrawn his earlier application bearing
Cr.Misc.No.7538 of 2018 on 21.05.2018.

Vide order dated 19.09.2018 this Court had considered
the show cause filed in the instant case regarding non
compliance of order dated 10.05.2018 in the earlier proceedings
arising out of Cr.Misc.No. 758 of 2018. Statements made in the
show cause were not disputed by counsel for the informant.
Accordingly, this Court directed for consideration of
petitioner's prayer for bail, whereafter matter has been listed
today.

Learned senior counsel for the petitioner submits that



the petitioner being father-in-law of the deceased is in custody since 16.09.2017, i.e., for more than a year, though he is not concerned with the affairs of the deceased and her husband. He submits that husband of the deceased Md. Amzad Ansari @ Amzad Ansari has already been released on bail vide order dated 19.07.2018, passed in Cr.Misc.No.29116 of 2018. Having regard to the nature of allegation, it is submitted that the admitted allegation is of death due to poisoning. Learned senior counsel submits that the death has occurred due to suicide. It is also submitted that in the case diary there is contradiction in statement of witnesses regarding petitioner's presence at the house at the time of occurrence.

Learned counsel for the informant opposes the prayer for bail. He submits that sufficient material has come to suggest petitioner's involvement in the alleged offence.

On careful consideration of submission advanced on behalf of the parties, this Court is inclined to allow the petitioner's prayer for bail. Let the petitioner Rafique Ansari be released on bail on his furnishing bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in Sitamarhi (Mehsaul O.P.) Police Station Case No. 732 of 2017 on the following conditions:-



(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner.

(b) He will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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