

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54957 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -BAGAIINGOLA District- BUXAR

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Asghar Miyan @ Md. Ashgar Ali, Son of Murtaza Mian, Resident of
Village- Bagen, P.S.- Bagen Gola, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 05-01-2018

Heard the learned counsels for the petitioner and the
State.

The petitioner seeks bail in connection with Bagen
Gola P.S. Case No. 31 of 2017 dated 21.05.2017 instituted for the
offences under Sections 498/302/34 of the Indian Penal Code.

Learned counsel for the petitioner, at the outset, has
submitted that though the case was registered under Sections
302/34 and 498 of the IPC but the police has submitted charge
sheet under Section 306 of the IPC.

The sister of the informant died and the petitioner is
her husband.

The marriage between the petitioner and the deceased
had taken place about 14 years ago. Though it has been alleged in



the FIR that the deceased was done to death because of non-fulfillment of demand of dowry but the investigations reveal that from the wedlock, the deceased had delivered five children and had been living happily with the petitioner. During the course of investigation, it further came to light that on the day the deceased met her end, the petitioner had been performing as one of the members of a band party in the house of one Shri Krishna Pandey and at that time only, the petitioner was informed about the death of his wife. The aforesaid fact has been supported by the aforesaid Shri Krishna Pandey whose statement has been recorded in para-33 of the case diary. Similar statements have been made by independent persons of the village namely Pawan Kumar Sharma and Nanhak Singh whose statements have been recorded in paragraph 7 and 16 of the case diary. Independent persons have also stated before the investigating agency that the deceased set herself on fire and was also making attempts to extinguish it but to no avail. She had been, according to the witnesses, a temperamental person and did not maintain good relations with the parents of the petitioner.

The petitioner is in custody since 30.06.2017.

Regard being had to the aforesaid facts and the period of custody, the petitioner above named is directed to be released



on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Buxar in connection with Bagen Gola P.S. Case No. 31 of 2017.

(Ashutosh Kumar, J)

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