

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.928 of 2018

Arising Out of PS.Case No. -96 Year- 2016 Thana -KAMTAUL District- DARBHANGA

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Md. Reyaz, son of Late Sahzad, residence of Mohalla/Village- Ramaul,
P.S.- Kamtaul, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the State : Mr. Satyadev Prasad Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsel for the petitioner.

Despite repeated calls, no body appears on behalf of the

State to contest the matter.

The petitioner seeks pre-arrest bail in connection with

Kamtaul P.S. Case No. 96 of 2016 registered under Sections 302
and 304B/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that though the offence is registered under Sections 302 and
304B/34 of the Indian Penal Code, the ingredients of the offence
punishable under Section 304B of the I.P.C. are completely
missing in this case as according to the informant herself her
daughter was married about eight years ago. He submitted that in
the FIR it is specifically alleged that it was co-accused Baby
Khatoon and Munni Khatoon who had assaulted the deceased and



there is no whisper as against the petitioner. He submitted that at the time of death of the daughter of the informant the petitioner was working in Bombay and he was not even present in the village home. He submitted that co-accused Baby Khatoon whose case is situated on worse footing to that of the petitioner has been granted pre-arrest bail by a Bench of this Court on 06.03.2017 vide Cr. Misc. No.9871 of 2017.

Regard being had to the submissions made above and the specific allegation made in the FIR against co-accused Baby Khatoon and Munni Khatoon and out of whom one has been granted pre-arrest bail by this Court, in the event of arrest or surrender before the court within six weeks from today, the petitioner is directed to be released 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, Darbhanga in connection with Kamtaul P.S. Case No.96 of 2016, subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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