

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52119 of 2017

Arising Out of PS.Case No. -97 Year- 2015 Thana -MANIHARI District- MUZAFFARPUR

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Md. Islam S/o Late Md. Sadique Resident of village- Purushottampur, P.S.-
Maniyari, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 04-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner being the father-in-law of the victim has renewed the prayer for bail in a case registered for the offences punishable under Sections 307, 326, 498A/34 of the Indian Penal Code. Subsequently, sections 304B, 302 of the Indian Penal Code were also added.

The prosecution case got initiated with the fard-beyabn of Aysha Khatoon recorded by S.I. of Police at SKMCH on 27.04.2015 at 3.15 P.M. to the effect that on 26.04.2015 at 12.00 P.M. one person came and informed the informant that her daughter has been killed by the petitioner and his wife Lal Bibi, daughters Afsana Khatoon and Ruksana



Khatoon. It is alleged that petitioner and his wife Lal Bibi caught hold the hands and legs of the victim and it is specifically alleged that Afsana Khatoon poured kerosene oil and Ruksana Khatoon lit the fire. It is further alleged that the daughter of the informant was killed for further demand of Rs.50,000/- and a car.

Earlier the prayer for bail of the petitioner was rejected vide order dated 26.09.2016 passed in Cr. Misc. No. 34247 of 2016 on the ground that during investigation Sahnaz Khatoon, the victim stated that the petitioner also participated in causing burn injury.

It is submitted by learned counsel for the petitioner that the informant is not the eye witness to the occurrence. Her fard-beyan got recorded on information supplied by unknown person, whose identity has not been disclosed by the informant. The petitioner is aged 70 years and claims to be separate from the husband of the victim since long. Though, the occurrence is dated 26.04.2015 but the victim died on 18.05.2015 and the accused persons provided medical assistance to the victim.

Report of the learned 3rd Additional Sessions Judge I/C, Muzaffarpur dated 30.01.2018 reflects that the charges have still not been framed. Hence, there is no likelihood of trial being concluded in near future.



Keeping in view the fact that the FIR has been lodged on the basis of information supplied to the informant by some unknown person, hence, admittedly, informant is not the eye witness to the occurrence, the petitioner is 70 years old, thrust of accusation is against the daughters of the petitioner and there is no likelihood of trial being concluded in near future, let the above named petitioner 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 3rd Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 248 of 2017 arising out of Maniyari P.S. Case No. 97 of 2015.

The learned trial Court will be at liberty to cancel the bail bond of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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