

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 55483 of 2017

Arising Out of PS. Case No.-82 Year-2016 Thana- Maniyari District- Muzaffarpur

Md. Zakir S/o Md. Rizwan R/o Village - Rathauli (Mithapur), P.S. - Maniyari,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 09-05-2018 Heard Sri Sanjay Parasmani, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since 24-07-2017, has prayed for grant of bail in Maniyari P.S. Case No. 82 of 2016 registered for offence under Sections 304(B) and 34 of the Indian Penal Code. The petitioner was the husband of the deceased, who died within seven years of marriage in her in-laws' house.

By way of referring to Annexure 3 & 4 to the supplementary affidavit, learned counsel for the petitioner submits that except mother-in-law, most of the accused named in the F.I.R. have been extended the privilege of anticipatory bail. Learned counsel for the petitioner submits that it is true that petitioner was husband of the deceased, but fact remains



that there is no specific plausible evidence against the petitioner to connect him in the present case. He submits that during investigation, this fact has come that since last several months, the petitioner was in Delhi for earning his livelihood. He submits that number of witnesses have stated this fact.

Learned Addl. Public Prosecutor has opposed the prayer for bail.

In this case, earlier case diary was called for, which has been received and kept on record. After examining the case diary, learned Addl. Public Prosecutor accepts that during investigation, this fact has come that petitioner, particularly on the date of occurrence, was not present, rather he was in Delhi for earning his livelihood.

Considering the fact that number of accused persons, named in the F.I.R., have been granted anticipatory bail as well as the fact that during investigation, this fact has come that petitioner since long was staying in Delhi and he was working there, there is no reason to further detain the petitioner.

Accordingly, let the petitioner namely Md. Zakir 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 Sri Mukesh Kumar Mishra, learned J.M. 1st



Class, Muzaffarpur in connection with Maniyari P.S. Case No.
82 of 2016, with following conditions:

- (i) one of the bailor must be blood relation of the petitioner, and
- (ii) during trial, the petitioner shall remain physically present on each and every date before the court below. If continuously on two dates, he remains absent, without prior permission of the trial court, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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