

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38371 of 2018

Arising Out of P.S.Case No. -55 Year- 2018 Thana -GORIAKOTHI District- SIWAN

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Dippu Sah @ Dippu Kumar S/o Madan Sah, R/o Vill.- Goreakothi, P.S.-
Goreakothi, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kant, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 23-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody in connection with
Goreakothi P.S.Case No.55 of 2018 registered for an offence
under Sections 302, 379 and 34 of the IPC.

As per FIR, the informant has alleged that she
voluntarily married with one Rijwan Alam in the year 2017 at
Bahuwari (Surat). She was residing with her husband at Surat. The
parents of the informant were not happy with the said marriage
and they were pressurizing the informant to divorce her husband.
The informant asked her husband to come at the place of her
parents or send someone to take her back. On the request of
informant her husband sent his friend Mujim Ansari with whom
she came out from the back door and when she proceeded with the



said person, her father, two uncles and friend caught hold of him and started assaulting. They assaulted Md. Mujim Ansari who had came to accompany him. The injured was treated at PHC and thereafter referred to PMCH where in course of treatment he died.

It has been submitted that the petitioner is agnate of the father of informant and is residing at the same place. The informant is well versed with this petitioner but she has not named this petitioner. The name of this petitioner appeared in the statement of a lady at subsequent stage who is not the eye witness to the occurrence. The allegation of assault is specific against four FIR named and 4-5 unknown persons who apprehended the deceased in presence of the informant. The petitioner has been made accused by the police with ulterior motive. The petitioner is in custody since 27.03.2018 having clean antecedent so he deserves to be enlarged on bail.

The learned APP opposed the submissions.

Considering the facts and circumstances as stated above and the fact that the informant being Pattidar of this petitioner did not name the petitioner in the FIR at initial stage, prayer for bail is allowed. 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 CJM, Siwan



in connection with Goreakothi P.S.Case No.55 of 2018 with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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