

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10287 of 2019

Arising Out of PS. Case No.-237 Year-2017 Thana- BARARI District- Katihar

MD. TANVEER, aged about 23 years, Mal, S/o Daud Ali, Resident of
Balughat, P.S-Barari, Dist- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Ms.Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 18-04-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is husband of the deceased and is being
prosecuted for the offence punishable under Section 304-B/34
of the Indian Penal Code.

Learned counsel appearing for petitioner submits that
deceased met with an accident while she had gone to attend the
call of nature but, unfortunately, mother of the deceased lodged
the present case on the instigation of enemies of the petitioner.
He further submits that in course of investigation, not a single
prosecution witness claimed to have seen the petitioner as well
as his other family members assaulting the deceased or throwing
her dead body on the railway track. It is further contended that
the co-accused Md. Khurshid @ Khurshid Ali and Md.
Musfique, who happen to be the brothers of petitioner, have



already been granted privilege of bail by a Co-ordinate Bench of this Court. It is also pointed out by him that mother-in-law of deceased has been admitted anticipatory bail by a Co-ordinate Bench of this Court.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that the first information report as well as statements of prosecution witnesses go to show that all the ingredients of Section 304-B are present and, therefore petitioner does not deserve privilege of bail.

Regard being had to the above-stated facts and circumstances, I am not inclined to release the petitioner on bail.

Accordingly, prayer for bail of the petitioner stands rejected for present.

(Hemant Kumar Srivastava, J)

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