

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13445 of 2019

Arising Out of P.S. Case No.-178 Year-2018 Thana- BAHADURGANJ District- Kishanganj

1. MD. HATIM @ HATIM ANSARI, male, aged about 69 years, Son of Late Fedra Ansari @ Farid Baks R/o village- Khari Tola/Khari Basti, Ward No. 10, Bangama, P.S- Bahadurganj, District- Kishanganj
2. Md. Samim @ Md. Shamim @ Md. Shamim Ansari, male, aged about 24 years, Son of Md. Hatim Ansari @ Md. Hatim R/o village- Khari Tola/Khari Basti, Ward No. 10, Bangama, P.S- Bahadurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner no.1 is father-in-law of the deceased Seema Parween and petitioner no.2 is the brother-in-law of the deceased who are languishing in judicial custody since 17.11.2018 in connection with Bahadurganj P.S.Case No.178 of 2018 for the offence alleged under Sections 304(B)/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that his daughter was married to Md. Shakil, son of petitioner no.1 and due to non-fulfilment of demand of dowry, his daughter has been killed by hanging her from the ceiling.



It has been submitted by the learned counsel for the petitioners that they are innocent, general and omnibus allegations have been levelled against them and three of the co-accused named in the FIR have already been granted pre-arrest bail on the ground that circumstantial evidence indicated that it was a suicidal case and not homicidal. He submits that the room where the deceased died was closed from inside which has come during investigation and that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as that on similar allegations three other co-accused have been granted pre-arrest bail, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Bahadurganj P.S. Case No.178 of 2018 (G.R.No.1125 of 2018) to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, subject to the following conditions:-

(i) One of the bailors would be a close relative of the



petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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