

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 32649 of 2019

Arising Out of PS. Case No.-391 Year-2017 Thana- NAWADA District- Nawada

MD MUSHTAQUE SHAH, aged about 36 years, Male, Son of Sadik Shah
Resident of Village - Maniyari, P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **17-08-2019** Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner is accused in a case registered under
Sections 498A, 302/34 of Indian Penal Code.

Prosecution case, as per the informant (brother of the
victim) is that petitioner, his brother, his mother as well as his
sister, who are in-laws of the victim, have killed the victim on
09.06.2017 at 2.30 am.

Learned counsel for the petitioner submits that the
prosecution story, on the face of it, is highly improbable as it is
alleged that offence has been committed in house of the
informant, i e, Maika of the victim. All the family members
have falsely been implicated. It is submitted that the victim was



being subjected to mistreatment by the informant at her Maika as the petitioner was living with his wife and children at the victim's Maika since the last one year for earning his livelihood. The manner in which the petitioner and his family members have been implicated in this case is apparent from the fact that the first information report itself alleges that the informant has witnessed the killing at his own house, first information report, however, has been lodged after about 8 hours after the occurrence whereas the Police Station is just 2 kilometers away from the place of occurrence. Prior to the instant case, the petitioner has no criminal antecedent. Marriage of the petitioner with the victim was solemnized about 15 years back. Petitioner's allegation is that victim had committed suicide on account of the mistreatment being meted out to her by her own family members. Petitioner is in custody since 03rd of January, 2018.

The learned APP for the State has opposed the prayer for bail. It is submitted that informant is an eye witness of the occurrence.

Considering the aforesaid submission, petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Nawada in Sessions Trial No 161 of 2018 arising out of Town (Nawada) Police Station Case No 391 of 2017 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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