

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45956 of 2018

Arising Out of PS. Case No.-79 Year-2018 Thana- NAUTAN District- West Champaran

Rizwan Hawari, Son of Sah Hussain Hawari, Resident of Village- Churiharwa
Tola, Police Station- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Hoda Hawari, Son of late Salim Hawari, R/o Village – Piradi
Purainiya, P.S. Mainatand, District – West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.-7

For the Opposite Party/s : Mr.Sri Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 15-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the victim, is languishing in custody since 08.03.2018 in a case registered for the offences punishable under Sections 304B, 328 and 120B of the Indian Penal Code.

The prosecution case as per the written report of Md. Hoda Hawari submitted to the Station House Officer of Nautan P.S. is to the effect that on 25.02.2018 in the morning, the informant received an information that his daughter, Khusbu Nesha is dead due to poison, whereupon, the informant went to the in-laws and found the dead body of his daughter lying on bed. It is further alleged that due non-fulfillment of further dowry demand of a motorcycle and for not giving birth to a



child, the daughter of the informant has been killed by the accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that the postmortem report does not suggest any injury, particularly, resisting injury on the body of the victim and accusation of demand of dowry after five years of the marriage appears unreasonable and unbelievable. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is the husband of the victim and there is specific accusation against him.

Considering the accusation which does not suggest any injury, particularly, resisting injury on the body of the victim and the investigation has already been concluded, couple with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. 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 learned Additional Chief Judicial



Magistrate- 6th, Bettiah, West Champaran in connection with
Nautan P.S. Case No. 79 of 2018.

(Dinesh Kumar Singh, J)

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