

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42826 of 2019

Arising Out of PS. Case No.-167 Year-2019 Thana- BHAGWAN BAZAR District- Saran

Md. Rafik @ Rafique, S/o- Late Maina Miya, Resident of Village- Nai Bazar,
P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53185 of 2019

Arising Out of PS. Case No.-167 Year-2019 Thana- BHAGWAN BAZAR District- Saran

Taufique Alam @ Md. Taufique Alam, S/o - Md. Rafik @ Rafique, Resident
of Village- Nai Bazar, P.S. Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42826 of 2019)

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

(In CRIMINAL MISCELLANEOUS No. 53185 of 2019)

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Shailendra Kumar,

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-09-2019 This is an application for grant of anticipatory bail in

connection with Bazar P. S. Case No. 167 of 2019, disclosing

offences under Sections 304 B/34 of IPC.

Criminal Misc. No. 42826 of 2019 filed by the father-
in-law of the deceased and Criminal Misc. No. 53185 of 2019
filed by the husband of the deceased for dowry death. Both the
cases arising out of same police station, as such, they are taken



up together for consideration.

Submission of the learned counsel for the petitioners in both the case is that there is general allegation against them. The death of the deceased was due to hanging. Further submission is that mother-in-law of the deceased has already been granted privilege of anticipatory bail, vide order dated 10.07.2019 passed in Criminal Misc. No. 42581 of 2019.

Heard learned A.P.P. as well as learned counsel for the informant, who has opposed the prayer for anticipatory bail of the petitioners on the ground that a mark was found around the neck of the deceased. There is allegation against the petitioners in both the cases that they and other accused persons on demand of dowry, tortured her.

Having heard both sides, in view of the facts and circumstances, as stated above, let the petitioner Mohd. Rafik @ Rafique, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned C.J.M., Chapra, in connection with Bazar P. S. Case No. 167 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.



So far as, petitioner Taufique Alam @ Md. Taufique Alam is concerned, I am not inclined to grant privilege of anticipatory bail to him. He may surrender and pray for regular bail, the same shall be considered on its own merit.

With the aforesaid, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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