

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1037 of 2020

Arising Out of PS. Case No.-310 Year-2019 Thana- JOGAPATTI District- West Champaran

1. Jawed Ansari @ Md. Jawed Alam, 25 Y/M, Son of Jumrati Mian, Resident of Village - Madarpur Dihi, P.S.- Jogapatti, District- West Champaran.
2. Jumrati Mian, 60 Y/M, Son of Late Hatim Mian @ Late Sharif Mian Resident of Village-Madarpur Dihi, P.S.- Jogapatti, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Umesh Chandra Verma, Advocate.
For the Opposite Party : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of the petitioner no. 2, namely, Jumrati Mian, as he has already been taken into judicial custody in connection with Jogapatti P.S. Case No. 310 of 2019, pending in the court of learned C.J.M., West Champaran, Bettiah.

Permission is accorded.

The anticipatory bail application on behalf of



petitioner no. 2, Jumrati Mian is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 1 and learned counsel for the State.

The petitioner no. 1 is apprehending his arrest in a case for the offence registered under Sections 304(B)/34 of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioner no. 1 killed the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioner no. 1 that he has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against him. The petitioner no. 1 is the brother-in-law of the deceased. He is separate in mess and property from the husband of the deceased. He has got no concern with the alleged occurrence. The husband of the deceased is in judicial custody.

On behalf of the State, it is submitted that the petitioner no. 1 is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner no. 1 Jawed Ansari @ Md. Jawed Alam (except petitioner no. 2 Jumrati Mian), above



named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M. West Champaran, Bettiah, in connection with Jogapatti P.S. Case No. 310 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 1 shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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