

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77400 of 2019

Arising Out of PS. Case No.-150 Year-2019 Thana- KATORIYA District- Banka

MD. IRSHAD ANSARI, S/o Md. Kalim, R/o village- Muslim Tola Katoria,
P.S.- Katoria, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Adv. Md. Najmul Hodda, Adv.
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
For the informant	:	Ms. Rashmi Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-06-2020 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offence punishable
under Section 302/34 of the I.P.C.

The prosecution case as per the fardbeyan of Manowar
Ansari recorded on 11.08.2019 by Rajesh Kumar, S.I., Katoria
Police Station is to the effect that the sister of the informant
Rejun Bibi was married with the petitioner about 14 years prior
to lodging of the present case. Subsequently, they were blessed
with three children. Thereafter, the petitioner used to assault the
victim. It is alleged that about one and half month prior to the



occurrence, the sister of the informant was administered poison, but after providing medical assistance, she could be saved and the issued got resolved between the parties. On 11.08.2019, the informant came to know that her sister has committed suicide. Thereafter, the informant went to the in-law's house of his sister and found her dead body hanging on a ceiling fan. Hence, it is alleged that all the accused persons, including, the petitioner, have killed the sister of the informant by throttling.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not an eye witness to the occurrence. In fact, there is no eye witness to the occurrence. It is further submitted that during course of investigation, two witnesses, namely, Bachhu Mian and Md. Rajjak have stated that the victim committed suicide. The petitioner is languishing in custody since 12.08.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the accusation is specific against the petitioner and on earlier occasion also, an attempt was made to take the life of the victim. Moreover, on conclusion of investigation, the chargesheet has



been submitted under Section 302 of the I.P.C.

Considering the fact that the medical opinion suggests only injury on the neck of the victim which suggests the victim has committed suicide and the investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Judicial Magistrate-I, Banka, in connection with Katoria P.S. Case No. 150 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned



Judicial Magistrate-I, Banka, in connection with Katoria P.S.
Case No. 150 of 2019.

The learned Court below will further be at liberty to
extend the period of provisional bail further if the court
proceeding in physical mode will not resume in next three
months.

(Dinesh Kumar Singh, J)

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