

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23089 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- CHANDAN District- Banka

Karafat @ Karafat Ansari @ Kaila Ansari, S/O Anwar Ansari, R/O Village-
Hemtakura, P.S-Chandan (ANANDPUR O.P), District-Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 304(B)/34 of the Indian
Penal Code.

The allegation against the petitioner in collusion with
other accused persons is said committed murder of the victim
due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He submits that the petitioner was not present at the place
of occurrence and he was working at Kolkatta. The petitioner
has neither demanded any dowry nor tortured the victim for the
same. He further submits that the deceased had been mentally ill
before her marriage and due to which she poured kerosene oil
on her body and set herself into fire and when in-laws of the



deceased got the knowledge about the occurrence. The petitioner is languishing in judicial custody since 01.12.2020. The petitioner has got no criminal antecedent, which is mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case.

Learned APP for the State vehemently opposed the prayer for bail application and submits that the petitioner is husband of the deceased and there is specific allegation against the petitioner.

Considering the argument of the parties, I perused the record including the case diary, there is no specific overt act against the petitioner. In para 7 of the case diary, the independent witness has not supported the prosecution case.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Chandan (Anandpur) P.S. Case No. 150/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving



genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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