

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38233 of 2020

Arising Out of PS. Case No.-329 Year-2019 Thana- KAHALGAON District- Bhagalpur

MD. APSAR ANSARI @ MD. AFSAR ANSARI Son of Md. Ainur @ Md. Ainar Resident of Village- Salempur Saini, P.S.-Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Geeta Kumari Jha, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-03-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Kahalgaon P.S. Case no. 329 of 2019 registered under sections 304B and 34 of the Indian Penal Code.

As per allegation in the first information report, the daughter of the informant who was married to the petitioner herein about two years back was murdered by the accused persons including the petitioner herein by administering poison.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the first information report are false and incorrect. So far as the first information report is concerned, the allegations are general and omnibus in nature making similar allegations against all the accused persons. Besides the petitioner, referring to order dated 20.01.2020



(Annexure 1) it is submitted that final form was submitted against the other accused persons not finding the case to be true. However, chargesheet has been submitted against this petitioner. The petitioner is in custody since 10.2.2020 and undertakes to cooperate in the trial. It is further submitted that coming to know the true facts, the parties have settled their dispute.

The application for bail is opposed by learned Additional Public Prosecutor for the State who submits that so far the petitioner is concerned chargesheet has been submitted on 30.4.2020.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the petitioner happens to be the husband of the deceased who died other than under natural circumstances, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

However, the petitioner will be at liberty to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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