

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35022 of 2020

Arising Out of PS. Case No.-254 Year-2018 Thana- DHURAIYA District- Banka

Asharfi Tanti, aged about 57 years, Male, son of Late Chandra Tanti, Resident of Village- Jagatpur, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the State : Mr.Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dhoraiya P.S. Case No. 254 of 2018 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is based on the basis of Complaint petition bearing No.1166 of 2018, thereafter, it was referred to the police by virtue of 156(3) of Cr.P.C. for registration of F.I.R. bearing Dhoraiya P.S. Case No.254 of 2018 alleging inter alia therein that the informant is the own brother of deceased who was married with Asharfi Tanti three months ago according to Hindu rituals. It is further stated that after solemnization of marriage, both the couples had gone to Delhi, whose Ajay Mandal lived there for his livelihood. It is further



stated that Raja Mandal @ Raja Tanti who happens to be son of Asharfi Tanti and son-in-law of Shaligram Tanti and brother of Ranjit Tanti who used to work at Delhi. It is further stated that Raja Mandal @ Raja Tanti had taken away the wife of Ajay Mandal by alluring her. This information was also communicated to the father, brother and mother of Asha Devi. It is further stated that the younger brother of the informant had come to his sasural on 30.07.2018, thereafter, the informant had come to Joki to see his brother Ajay Mandal, there he was told that his brother returned to Delhi on 04.07.2018 in the morning. It is further stated on his information, the informant along with villagers had proceeded for confirmation of news and there he got information that police had taken his brother to the police station for postmortem and saw his brother and the police station dead and thereafter, examination was done.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner further submits that after investigation, the police has submitted charge sheet under Section 306/34 of the I.P.C. He further submits that the petitioner is the father of the co-accused and owing to only this



reason, he has been implicated in this case which is false and baseless and the petitioner is in jail custody since 16.03.2020. There is no specific overt act against the petitioner and the petitioner has got no any criminal antecedent mentioned in paragraph-3 of the bail petition.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Banka in connection with Dhoraiya P.S. Case No. 254 of 2018.

(Anjani Kumar Sharan, J)

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