

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.529 of 2021

Arising Out of PS. Case No.-101 Year-2019 Thana- CHAND District- Kaimur (Bhabua)

1. Ebrar Ansari @ Ibrar Ansari Son of Kalamuddin Ansari Resident of Village - Duguthuan, P. S. - Chand, District - Kaimur (Bhabua).
2. Esrar Ansari @ Ibrar Ansari, Resident of Village - Duguthuan, P. S. - Chand, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr.Md. Jubair Ansari , Advocate
For the State : Mr. Sanjay Kumar Tiwary APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioners and the learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

The petitioners seek bail in Chand P S Case No 101 of 2019, instituted for the offence under Section(s) 302/34 of the Indian Penal Code.

The deceased was married to the instant petitioner's brother, namely, Imteyaz Ansari, in the year 2009. There is allegation that the deceased has been done to death at the matrimonial home for non fulfillment of demand for dowry.

The petitioners' counsel submitted that in view of the fact that marriage was solemnized in the year 2009, the offence under Section 304 B of the Indian Penal Code could not be



made out and, therefore, the criminal prosecution is under Section 302/34 of the Indian Penal Code. The petitioners are ‘*Dewars*’ of the deceased and have been implicated by virtue of their relationship, though they have no concern with the affairs of deceased and her husband. The husband has been allowed bail in Cr. Misc. No. 32262 of 2020 and the petitioners, having no criminal antecedents, are in custody since 10.09.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate -IV, Bhabua, in connection with Chand P S Case No 101 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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