

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7871 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- AMBA District- Aurangabad

1. MD SHAMIM ANSARI Son of Late Samsuddin Ansari Resident of Village-Khatkur, P.S.-Amba, District-Aurangabad (Bihar).
2. Shakila Khatoon Wife of Md. Shamim Ansari Resident of Village-Khatkur, P.S.-Amba, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Krishna Prasad Singh, Sr Advocate with M/s Bhaskar Shankar, Rakesh Singh, Mithilesh Kumar Singh, Advocates
For the State	:	Ms Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 10-08-2021 This case has been taken up for consideration today through Video Conferencing.

Heard learned senior counsel for the petitioners and the learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioners seek bail in Amba Police Station (for brevity, *PS*) Case No 66 of 2020 instituted for the offence punishable under Sections 302/34 of Indian Penal Code.

Petitioners are uncle and aunt of the victim who was 10 years old girl. It is alleged by the informant that he had gone to his *Sasural* along with his wife leaving his 10 years old



daughter in his house. The two petitioners have throttled his daughter to death and, thereafter, hanged the body.

Learned senior counsel for the petitioners submits that the post mortem report shows the cause of death being on account of hanging. There is no evidence of throttling and, therefore, the prosecution case is highly doubtful. He submits that the victim has in fact committed suicide as she was left behind alone in the house. The instant petitioners are separated since before with the family of the victim and, therefore, they were not in a position to know what was going on in that portion of the house where she had committed suicide.

Learned APP has opposed the prayer for bail. She has referred to various paragraphs of the case diary to submit that there is specific allegation of killing the victim by throttling against the instant petitioners who was alone in the house while her parents were absent.

Considering the rival submissions and custody of the petitioners since 24.08.2020, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Amba PS



Case No 66 of 2020 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.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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