

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4147 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- DHURAIYA District- Banka

MD KALIM MANSOORI @ KAILA MANSOORI @ MD KAILA
MANSURI Son of Late Anwar Mansoori Resident of Village- Baijnathpur,
P.S.- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Balram Kapri
For the Opposite Party/s	:	Mr. Dinesh Singh
For the State	:	Mr. Upendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 19-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Dhoraiya P.S. Case No. 94 of 2021, registered for the

offences punishable under Sections 304(B) and 34 of the

Indian Penal Code.

The prosecution case as emerging from the FIR is

that the daughter of the informant, namely, Anisha Khatoon

entered into love marriage with the son of the petitioner,

namely, Md. Mahboob Mansuri according to Islamic rites and

customs. After some times, the husband and his family

members started torturing her for non-fulfillment of illegal



demand of dowry, and ultimately they killed her by administering poison.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and he is father-in-law of the alleged victim. He further submits that even as per the FIR, co-accused Md. Mahboob Mansuri, who is the son of the present accused-petitioner had secretly married with the alleged victim and there is no role alleged on the part of the present petitioner in the solemnization of the marriage. He further submits that he is separate in mess and business with the co-accused/husband of the alleged victim.

The petitioner has been languishing in jail since 10.06.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State



vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 94 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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