

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22490 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- MADHUBAN District- East Champaran

MD. SHAMSHAD @ SHAMSHAD ANSARI S/O SABIR ANSARI @
WASIR ANSARI RESIDENT OF VILLAGE JITAURA, P.S-MADHUBAN,
DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 03-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with Madhuban P.S. Case No. 230 of 2020 registered for the offence under Sections 498A, 304B and 34 of the Indian Penal Code.

The daughter of the informant is subjected to assault and torture on non-fulfillment of the demand of dowry and she has been done to death by the accused persons.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner, who happens to be husband of the deceased, has performed arrange marriage with the deceased and he never assaulted the deceased nor he demanded any dowry from his wife-deceased in any manner. No specific allegation of any overt act is attributed to the petitioner. There is no eye witness to the alleged occurrence also. As a matter of fact, the deceased has committed suicide and the postmortem report clearly suggest that the cause of death of wife of the petitioner is Asphyxia caused due to hanging. The petitioner is rotting in judicial custody since 13.10.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Motihari, East Champaran in connection with Madhuban P.S. Case No. 230 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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