

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23352 of 2021

Arising Out of PS. Case No.-357 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Shoeb Kausar @ Suvev Kausar Son Of Md. Kausar Ali R/O Mohalla- Badi-Bazar, Ward No.-9, In Front Of Hotel Vaidya, P.S.- Mohania, District-Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hasbun Nisha, Wife of Irshad Ahmad, R/o Village-Mohania, Badi Bazar, Ward No.9, P.S.-Mohania, District-Kaimur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh,Adv
For the Opposite Party/s : Mrs.Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-01-2022 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.

Supplementary affidavit has been filed on behalf of the petitioner.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Mohania P.S.Case No. 357 of 2020 registered for the offence under Sections 304(B),506 of the Indian Penal Code.

The prosecution case, in short is that, as per written report of the informant, marriage of her daughter, Sanjida



Parween was solemnized with the petitioner some five years ago. The informant alleged that the petitioner had been subjecting the deceased to cruelty for 1 year and had been asking for dowry. On 11.11.2020, the husband of the informant was told that his daughter burnt of fire caused due to burst of the gas cylinder. But after reaching on spot, the informant came to know that her daughter was already killed by setting her on fire.

Vide order dated 16.11.2021, notice has been issued to opposite party No.2 but no one appears on behalf of opposite party No.2.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR itself that the date of occurrence as mentioned in the FIR was 11.11.2020 and the present FIR has been lodged on 13.11.2020. The petitioner, being a husband, has been implicated in the present case. Learned counsel for the petitioner submits that the deceased caught fire while cooking food due to rapid burst of fire. He further submits that during investigation nothing has come against the petitioner. He further submits that it transpires from the FIR itself that the informant has already stated in the FIR that the deceased died due to cylinder blast. He further



submits that the police, after investigation, submitted the chargesheet against the petitioner. Petitioner is in custody since 16.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact, let the petitioner, above named, 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 357 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 cancelled 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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