

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60867 of 2021**

Arising Out of PS. Case No.-541 Year-2020 Thana- CHOUTARWA District- West
Champaran

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Sahabudin Ansari @ Salayauddin Ansari @ Shalahudani Ansari @
Sahalahudin Ansari, Son of Modi Ansari @ Shamiullah Ansari, Resident of
Village- Raibari, Mahuawa, P.S.- Chautarba, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mitali, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chautarwa P.S. Case No. 541 of 2020, registered for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

As per the prosecution case, the son of the informant was last seen in the company of the petitioner and other co-accused persons. Later on, his dead body was recovered. The informant alleged that due to demand of dowry, she could not



marry her daughter with the co-accused and solemnized her marriage somewhere else and for this reason, the petitioner and other co-accused persons were angry and killed her son by slitting his throat.

The learned counsel for the petitioner submits that there is no eye witness to the alleged occurrence and no recovery has been made at the instance of this petitioner. The petitioner has been falsely implicated in this case as he was in love with the elder sister of the deceased, but the marriage could not be solemnized on account of demand of dowry made by the father of the petitioner. The petitioner is in custody since 01.01.2021 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the witnesses examined during investigation have supported the prosecution case against the petitioner about involvement of this petitioner along with the co-accused. However, learned APP concedes that there is no recovery of any murder weapon or any article to connect the petitioner with the alleged occurrence.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of substantive material to connect the petitioner with the murder of



the son of the informant and further considering the period of custody of the petitioner and his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Bagaha, West Champaran, in connection with Chautarwa P.S. Case No. 541 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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