

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28421 of 2023

Arising Out of PS. Case No.-348 Year-2022 Thana- BANKA District- Banka

MD. ISTIYAK @ MD. ISTIYAK ANSARI Son of Israil Ansari Resident of
village - Lalmatiya, P.S.- Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar, Advocate
For the Informant	:	Mr. Najmul Hoda, Advocate
For the State	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-09-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
24.07.2022, in connection with Sessions Trial No. 420 of 2022
arising out of Banka P.S. Case No. 348 of 2022, F.I.R. dated
03.06.2022 registered for the offences punishable under Sections
498(A), 304(B)/34 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act, 1961.

3. Allegation against the petitioner is that he along
with other co-accused persons started to demand Rs. 1,00,000/-
and a Bullet motorcycle as dowry and when the informant
showed his inability to fulfill their demands then all the accused
persons started to torture the daughter of the informant



physically and mentally and on 02.06.2022 the informant got information over his phone by the neighbour that all the accused persons have killed his daughter and on this information the informant went to the sasual and saw that his daughter has been killed by brutally assaulting.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it appears that the marriage was solemnized more than seven years back with the victim and in view of the aforesaid Section 304 (B) of the Indian Penal Code is not made out against the petitioner and it also appears from the F.I.R. itself that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the petitioner has never demanded dowry from the family members of the deceased and it has come during investigation that the victim has committed suicide herself. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.07.2022.

5. The learned counsel appearing on behalf of the Informant and learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the



petitioner and submits that the petitioner is the husband of the deceased and there is direct and specific allegation against the petitioner and the report of the learned Trial court dated 26.07.2023 reveals that out of six chargesheeted witnesses, two witnesses have already been examined but thereafter one more witness has already been examined and the petitioner is husband and hence he is being responsible for the death of his wife.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Banka in connection with Sessions Trial No. 420 of 2022 arising out of Banka P.S. Case No. 348 of 2022, subject to the following conditions :-

(i) The petitioner shall participate in the trial on day to day basis and he will not be absent before the trial court fixed by the Court, failing which his bail bond shall be cancelled by the Court below.

(ii) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) 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 antecedents, 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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